

11-09-2026
ct no. 13
Sl. 1
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F.M.A. 688 of 2026

Abhishek Datta

-Versus-

Merck Specialities Private Limited, (MSPL) & Ors.

Mr. Aninda Lahiri,
Mr. B. Chakraborty.

...for the appellant.

Mr. Soumya Majumder, ld. Sr. Adv.,
Mr. Soumalya Ganguli,
Mr. Gourav Sharma.

..for the respondent nos. 1 & 3.

Mr. Debapriya Gupta,
Mr. Biswanath Banerjee,
Ms. Sumita Sarkar.

..for the State.

1. The company has found a vacancy for the appellant at Malda. They have only indicated that the medical condition of the appellant must be sound. They also submit that given about 6 years gap in the working life of the appellant, the company needs to be satisfied as regards the appellant's ability.
2. This Court is of the view that the aforesaid two conditions that the employer needs are necessary to ascertain the fitness of the appellant before engaging him.

3. In the light of the above, this Court directs that that the aforesaid two assessments may be completed as expeditiously as possible, preferably within a period of 7 days from date.
4. It is made clear that the competence assessment of the appellant shall be informed with appropriate reasons to be recorded in writing by the company, in the event the appellant is found to be wanting on that score.
5. In view of the aforesaid mutual agreement, FMA 688 of 2026 shall stand disposed of.
6. There shall be no order as to costs.
7. Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rajasekhar Mantha, J.)

(Anuj Singh, J.)