16-06-2010 sb-9 Constitutional Writ 16-06-2010 W.P.No.12266(W) of 2010 Mintu Panja -vs-The State of West Bengal & Ors.

## POINTS

Subsequent certificate – Whether Subsequent acquisition of the certificate will make the Petitioner eligible with retrospective effect to apply for the post – Service Law.

## FACTS

The petitioner applied for the post of primary school teacher as a backward class category candidate. Subsequently he obtained certificate stating that he is a physically handicapped person. He is seeking a mandamus commanding Howrah District Primary School Council to interview him as a physically handicapped category candidate.

## HELD

Subsequent acquisition of the certificate will not make him eligible with retrospective effect to apply for the post as a physically handicapped category candidate. Para 2

Mr. Sutirtha Das	for the petitioner
Mr. Abhijit Basu	for the state
Mr. Tulsidas Maity	for the council

## THE COURT

1. The petitioner applied for the post of primary school teacher as a scheduled caste category candidate. Subsequently he obtained certificate stating that he is a physically handicapped person. He is seeking a mandamus commanding Howrah District Primary School Council to interview him as a physically handicapped category candidate.

2.At the date the petitioner applied he did not possess the requisite certificate stating that he was a physically handicapped category person and hence he could not apply as a physically handicapped category candidate. Subsequent acquisition of the certificate will not make him eligible with retrospective effect to apply for the post as a physically handicapped category candidate. Hence I do not see any reason to make an order commanding the council to interview him as a physically handicapped category candidate.

3.For these reasons, the petition is dismissed. No costs. Certified xerox.

(Jayanta Kumar Biswas, J.)