

17-06-2010
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Constitutional Writ
Present :-Hon'ble Justice Jayanta Kumar Biswas

W.P.No.12464(W) of 2010
Ayon Kumar Das
-vs-
The State of West Bengal & Ors.

POINTS

EXEMPTED CATEGORY – Petitioner applied to the appropriate authority for issuing certificate recording that he is a landloser – No such certificate has been issued – Whether he could register himself with the employment exchange as an exempted category–Constitution of India, Article 226 .

FACTS

The petitioner is seeking a mandamus commanding Purba Medinipur District Primary School Council to permit him to participate in the selection process initiated for appointment to the post of primary school teacher as an exempted category (sc) candidate. The petitioner applied as an exempted category (sc) candidate. He has not produced any document to show that he has been given the status of an exempted category job seeker.

HELD

The petitioner applied to the appropriate authority for issuing certificate recording that he is a landloser. No such certificate has been issued by any authority. On the basis of a certificate, if issued, he could register himself with the employment exchange as an exempted category job seeker, and only thereafter he would have been eligible for the post as an exempted category candidate. It is thus evident that at the date he applied for the post he was not eligible to apply as an exempted category candidate. Hence there is no scope for making an order commanding the council to permit him to participate in the process as an exempted category (sc) candidate. He is not entitled to any relief.

Para 3

Mr. Mohini Mohan Begalfor the petitioner
Mrs. Santi Dasfor the state
Mr. Tulsidas Maityfor the council

THE COURT

1.The petitioner is seeking a mandamus commanding Purba Medinipur District Primary School Council to permit him to participate in the selection process initiated for appointment to the post of primary school teacher as an exempted category (sc) candidate.

2.The employment notice was published on August 30, 2009. The petitioner applied as an exempted category (sc) candidate. He has not produced any document to show that he has been given the status of an exempted category job seeker.

3.It is submitted that the petitioner applied to the appropriate authority for issuing certificate recording that he is a landloser. No such certificate has been issued by any authority. On the basis of a certificate, if issued, he could register himself with the employment exchange as an exempted category job seeker, and only thereafter he would have been eligible for the post as an exempted category candidate. It is thus evident that at the date he applied for the post he was not eligible to apply as an exempted category candidate. Hence there is no scope for making an order commanding the council to permit him to participate in the process as an exempted category (sc) candidate. He is not entitled to any relief.

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

(Jayanta Kumar Biswas, J.)