

11-06-2010.
Constitutional Writ
Present:- Hon'ble Justice Jayanta Kumar Biswas
W.P.No.7188(W) of 2010.
Susanta Pradhan
-vs-
The State of West Bengal & Ors.

POINTS

Appointment – As an exempted category candidate – Petitioner failed to produce the relevant certificate – Whether the council is obliged to permit him to participate in the process – Constitution of India, Article 226.

FACTS

The petitioner in this art.226 petition dated April 5, 2010 is seeking a mandamus commanding the District Primary School Council, Purba Medinipur to permit her to participate in the selection process initiated for appointment to the post of primary school teacher as an exempted category candidate. The petitioner failed to produce the certificate declaring her as an exempted category job seeker.

HELD

For applying as an exempted category candidate for the post he was to become an exempted category job seeker on the date he submitted the requisite application. He was not a registered exempted category job seeker and hence he could not apply as such. The council is not obliged to permit him to participate in the process as an exempted category candidate.

Para 2

Mr. P.K. Dwarifor the petitioner

Ms. Nilofer Siddique Alamfor the state

Mr. Tulsidas Maityfor the council

THE COURT. 1)The petitioner in this art.226 petition dated April 7, 2010 is seeking a mandamus commanding the District Primary School Council, Purba Medinipur to permit him to participate in the selection process initiated for appointment to the post of primary school teacher as an exempted category candidate.

2)The employment notice was published in September, 2009. The petitioner applied for the post as an exempted category candidate. The council asked him to produce the relevant certificate. He failed to produce the certificate declaring him an exempted category job seeker. Counsel submits that the petitioner has taken steps for obtaining a landloser certificate and that the employment exchange concerned is under the obligation to register the petitioner as an exempted category job seeker. It is evident from the petitioner's own case that he has not yet been registered with the employment exchange as an exempted category job seeker. For applying as an exempted category candidate for the post he was to become an exempted category job seeker on the date he submitted the requisite application. He was not a registered exempted category job seeker and hence he could not apply as such. The council is not obliged to permit him to participate in the process as an exempted category candidate.

3)He is not entitled to any relief.

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

Certified xerox.

(Jayanta Kumar Biswas, J.)