

Constitutional Writ
Present: The Hon'ble Justice Jayanta Kumar Biswas.
W.P. No.11709 (W) of 2010
Judgment on: June 11, 2010.
Paritosh Giri
v.
The State of West Bengal & Ors.

POINTS

Appointment – Permit him to participate in the selection process – Petitioner did not collect the requisite form and submit it within the stipulated period, Whether there is a scope for permitting the petitioner to participate in the employment process – Constitution of India Article 226.

FACTS

The employment notice inviting application was published on August 30, 2009. The last date for distribution of application form was October 23, 2009. The last date for filing the filled in application was October 27, 2009. The petitioner did not collect the form and hence there was no question of his filing the duly filled in form by October 27, 2009. His case is that during the period he was ill, and that subsequently he filed a representation dated May 10, 2010.

HELD

Since the petitioner did not collect the requisite form and submit it within the stipulated period, there is no scope for permitting him to participate in the process even if he is otherwise eligible for the post. If during the relevant period he was ill, he could collect the form through his agent and file it.

Para 4

Mr Sadiur Rahaman Khan, advocate, for the petitioner.

Mr Tapabrata Chakraborty & Kumaresh Dalal, advocates, for the State.

Mr T.D.Maity, advocate, for the council.

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

2)The employment notice inviting application was published on August 30, 2009. The last date for distribution of application form was October 23, 2009. The last date for filing the filled in application was October 27, 2009.

3)The petitioner did not collect the form and hence there was no question of his filing the duly filled in form by October 27, 2009. His case is that during the period he was ill, and that subsequently he filed a representation dated May 10, 2010, Annexure P7 at p.27, requesting the chairman of the council to permit him to participate in the process.

4)I do not find any merit in the case. Since the petitioner did not collect the requisite form and submit it within the stipulated period, there is no scope for permitting him to participate in the process even if he is otherwise eligible for the post. If during the relevant period he was ill, he could collect the form through his agent and file it

5)For these reasons, the petition is dismissed. No costs. Certified xerox.
sh (Jayanta Kumar Biswas, J.)