

11-06-2010

CONSTITUTIONAL WRIT

Present :- Hon'ble Justice Jayanta Kumar Biswas

W.P.No.6933(W) of 2010

Smt. Dipali Bera

-vs-

The State of West Bengal & Ors.

POINTS

Appointment – Petitioner's prayer for permitting him to participate in the selection process as an exempted category candidate – Petitioner failed to produce relevant certificate – Whether the council is obliged to permit her to participate in the selection 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. She failed to produce the certificate declaring her as an exempted category job seeker.

HELD

For applying as an exempted category candidate for the post she was to be an exempted category job seeker at the date she submitted the requisite application. She was not a registered exempted category job seeker, and hence could not apply as such. The council is not obliged to permit her to participate in the process as an exempted category candidate.

Para 5

Mr. P.K. Dwarifor the petitioner

Mr. S. Banerjee

Ms. Daisy Basufor the state

Mr. Tulsidas Maityfor the council

THE COURT. 1) 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.

2)The employment notice was published in August, 2009. The petitioner applied for the post as an exempted category candidate. The council asked her to produce the relevant certificate. She failed to produce the certificate declaring her as an exempted category job seeker.

3)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.

4)It is evident from the petitioner's own case that she has not yet been registered with the employment exchange as an exempted category job seeker.

5)For applying as an exempted category candidate for the post she was to be an exempted category job seeker at the date she submitted the requisite application. She was not a registered exempted category job seeker, and hence could not apply as such. The council is not obliged to permit her to participate in the process as an exempted category candidate.

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

(Jayanta Kumar Biswas, J.)