

17-06-2010
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Constitutional Writ
17-06-2010
W.P.No.12145(W) of 2010
Babu Ghosh
-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. A.K. Chattopadhyayfor the petitioner

Mr. Abhijit Basufor the state

Mr. Tulsidas Maityfor the council

THE COURT

1.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.

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.)