

17-06-2010
sb-9

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

W.P.No.12478(W) of 2010
Sushuma Kundu
-vs-
The State of West Bengal & Ors.

POINTS

EXEMPTED CATEGORY – Petitioner claimed ex-census employee working in connection with the 2001 census operations- Whether can apply as an exempted category candidate – West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies Local Authorities Act, 1999.

FACTS

The petitioner is seeking a mandamus commanding Howrah District Primary School Council 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 claimed that being an ex-census employee working in connection with the 2001 census operations she was entitled to apply as an exempted category candidate. Since the council has not issued admit card so that she may take the written test, she has brought this petition.

HELD

The petitioner claims that she participated in the 2001 census operations. Under the circumstances, Court is unable to see how she can claim that in terms of the government order dated August 21, 2002 that she is entitled to claim the status of an exempted category candidate. She is not an exempted category candidate and hence the council was right in not issuing admit card permitting her to participate in the selection process as an exempted category candidate. She is not entitled to any relief.

Para 5

Mr. S.K. Adhikary

....for the petitioner

Mr. Tulsidas Maity

.....for the council

1.The petitioner is seeking a mandamus commanding Howrah District Primary School Council 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.In response to the employment notice the petitioner applied for the post as an exempted category candidate. She claimed that being an ex-census employee working in connection with the 2001 census operations she was entitled to apply as an exempted category candidate. Since the council has not issued admit card so that she may take the written test, she has brought this petition.

Mr Maity, counsel for the district primary school council, produces an order of the government dated August 21, 2002 mentioning the categories of persons who would be considered exempted categories for the purposes of the West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies Local Authorities Act, 1999.

Paragraph 4 of the order dated August 21, 2002 provides as follows :

“4. Ex-Census Employees: (a) Ex-Census employees who worked in connection with 1981 Census Operation and who had put in at least six months’ continuous service under the Director of Census Operations, West Bengal.

(b)Ex-Census Enumerators/Supervisors of 1981 Census Operations and 1991 Census Operations holding authentic “Experience Certificate” issued by the Directorate of Census Operations, West Bengal or any other competent authority duly authorised by the said Directorate.

(c) Persons holding ‘Discharge Certificate’ only shall not be considered for inclusion in the “Exempted Categories” since certificates granted by certain officials in some cases do not conform to the census frame-work communicated by the Directorate of Census Operations, West Bengal.”

The admitted position is that the petitioner claims that she participated in the 2001 census operations. Under the circumstances, I am unable to see how she can claim that in terms of the government

order she is entitled to claim the status of an exempted category candidate. She is not an exempted category candidate and hence the council was right in not issuing admit card permitting her to participate in the selection process as an exempted category candidate. She is not entitled to any relief.

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

(Jayanta Kumar Biswas, J.)