

17-06-2010
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Constitutional Writ
17-06-2010
W.P.No.12466(W) of 2010
Samit Das
-vs-
The State of West Bengal & Ors.

POINTS

Anticipated certificate – Petitioner applied for land looser certificate – No certificate issued – Whether he can be given appoinment as an exempted category candidate – Service Law

FACTS

Petitioner applied to the appropriate authority for issuing certificate recording that he is a landloser. No such certificate has been issued by any authority. The petitioner is seeking a mandamus commanding Purba Medinipur 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 (sc) candidate.

HELD

On the basis of a certificate, if issued, he could register himself with the employment exchange as an exempted category job seeker, and only thereafter he would have been eligible for the post as an exempted category candidate. It is thus evident that at the date he applied for the post she was not eligible to apply as an exempted category candidate.

Para 3

Mr. Mohini Mohan Betal for the petitioner

Mrs. Santi Das for the state

Mr. Tulsidas Maity for the council

THE COURT

1.The petitioner is seeking a mandamus commanding Purba Medinipur District Primary School Council to permit him to participate in the selection process initiated for appointment to the post of primary

school teacher as an exempted category (sc) candidate.

2.The employment notice was published on August 30, 2009. The petitioner applied as an exempted category (sc) candidate. He has not produced any document to show that he has been given the status of an exempted category job seeker.

3.It is submitted that the petitioner applied to the appropriate authority for issuing certificate recording that he is a landloser. No such certificate has been issued by any authority. On the basis of a certificate, if issued, he could register himself with the employment exchange as an exempted category job seeker, and only thereafter he would have been eligible for the post as an exempted category candidate. It is thus evident that at the date he applied for the post he was not eligible to apply as an exempted category candidate. Hence there is no scope for making an order commanding the council to permit him to participate in the process as an exempted category (sc) candidate. He is not entitled to any relief.

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

(Jayanta Kumar Biswas, J.)