

Constitutional Writ
Present : The Hon'ble Mr Justice Jayanta Kumar Biswas
Judgment on : June 17, 2010
W.P.No.12469(W) of 2010
Sibani Kabiraj (Khamrui)
-vs-
The State of West Bengal & Ors.

Points

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

FACTS

Petitioner applied to the appropriate authority for issuing certificate recording that she 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, she could register himself with the employment exchange as an exempted category job seeker, and only thereafter she 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 4

Mr. Avijit Chakrabortyfor the petitioner

Mrs. Santi Dasfor the State

Mr. Tulsidas Maityfor the Council

The Court : 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 (sc) candidate.

2.The employment notice was published on August 30, 2009. The petitioner applied as an exempted category (sc) candidate. She did not produce any document to show that she had 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 she is a landloser. No such certificate has been issued by any authority.

4.On the basis of a certificate, if issued, the petitioner could register herself with the employment exchange as an exempted category job seeker, and only thereafter she would have been eligible for the post as an exempted category candidate.

5.It is thus evident that at the date she applied for the post she was not eligible to apply as an exempted category candidate. Hence there is no scope for making an order commanding the Council to permit her to participate in the process as an exempted category (sc) candidate. She is not entitled to any relief.

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

(Jayanta Kumar Biswas, J)

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