

DL. November
29. 10, 2021

M.A.T. 387 of 2020

Re: CAN 1 of 2020 (appropriate order)
filed on October 15, 2020.

Mr. Sandip Ghosh,
Mr. Partha Sarkar,
...for the appellant.

Mr. Supriya Chattopadhyay,
Ms. Iti Dutta,
...for the State respondents.

Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharya,
...for the D.P.S.C.

Although the matter is appearing under the heading application, by consent of the parties, the appeal itself is taken up for hearing by treating the same as on day's list.

The grievance of the writ petitioner/appellant is that the authorities concerned did not consider the certificate issued in her favour by the University of Calcutta certifying that the writ petitioner/appellant had represented the University in the annual Inter University Kabaddi (Women) Tournament held during the session 1991-92 as an equivalent certificate.

The said certificate, in our view, cannot be treated to be an equivalent certificate and has been rightly rejected by the authority concerned in the impugned order. We cannot re-write the rules with regard to the eligibility criterion and it is for the appointing authority to consider the relevance, credibility and equivalence of certificate. Prima facie, it appears that the said certificate does not conform to condition stipulated under co-

curricular activities for awarding marks.

However, the grievance of the writ petitioner/appellant appears to be that the authority concerned did not consider her training certificate issued by the Indian Council for Child Welfare by treating the same as equivalent to junior basic training or primary teachers training as per the relevant recruitment rules and that in absence of such consideration, the order passed by the concerned authority rejecting her application stands vitiated.

We find some merit in the contention of the writ petitioner/appellant taking into consideration the order passed by the co-ordinate bench of this court in disposing of the appeal preferred by the appellant in the first round of litigation directing the authority concerned to consider the representation of the writ petitioner dated December 7, 2011, which, inter alia include direction for consideration of the said certificate, namely, Bal Sevika Training Certificate.

Although we find no reason to interfere with the order passed by the appropriate authority dated May 30, 2018, we think it fit that the authority concerned should consider the other prayer of the writ petitioner/appellant with regard to equivalence of the certificate in terms of the earlier order passed by the co-ordinate bench.

The order of the learned Single Judge is, therefore, affirmed. However, with regard to the fact that the authority concerned did not consider the other issue, namely, the propriety and equivalence of the Bal Sevika Training Certificate issued by the Indian Council for Child Welfare, the matter is remanded to the

Chairman, District Primary School Council, North 24-parganas, to consider the said issue only and dispose of the same within four weeks from date.

The appeal and the connected application, thus, stand disposed of.

There will be no order as to costs.

(Soumen Sen, J.)

dns

(Saugata Bhattacharyya, J.)