

11
21.12.2021.
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 10314 of 2021
(Via Video Conference)**

**Suraj Pandey
-versus
State of West Bengal & Ors.**

**Mr. Firdous Samim,
Ms. Gopa Biswas.
...For the Petitioner.**

**Mr. Bhaskar Prasad Vaisya,
Mr. Ranjan Saha.
...For the State.**

**Mr. Md. Sarwar Jahan,
Mr. Sk. Nayeemul Haque.
...For the Respondent No.5.**

The petitioner intends to be appointed as primary school teacher. He belongs to the Exempted Category.

The West Bengal Board of Primary Education considered the candidature of the petitioner without treating him as a candidate in the Exempted Category.

The submission of the Board is that the petitioner did not possess the Exempted Category certificate.

The petitioner relies upon the Identity Card issued by the Employment Officer, Directorate of Employment dated 7th March, 2018 wherein it has been clearly mentioned that the petitioner belongs to the Exempted Category (land loser).

The contention of the Board was that the Identity Card of the Employment Exchange is not the Exempted Category certificate.

The Court directed the learned advocate for the Board to take necessary instruction as to whether the Board was relying upon any further document apart from the identity card issued by the Employment Officer of the Employment Exchange.

Today a document has been produced by the learned advocate for the Board.

On perusal of the same, it appears that it is a certificate from the District Magistrate of the District which mentions the name of the candidate to be enrolled as a land loser due to acquisition of the land.

The petitioner in the instant case possesses similar certificate relying on which the Employment Exchange Officer recorded the name of the petitioner in the Exempted Category.

The Court does not find any reason as to why the category that is mentioned in the Identity Card of the petitioner issued by the Employment Exchange shall not be held to be a valid document for the purpose of considering the application of the petitioner by treating him as a candidate under the Exempted Category, more so because the respondent Board has not been able to produce any other document to be treated as the exempted category certificate.

In view of the above, the instant writ petition is disposed of by directing the respondent No.3 being the Secretary, West Bengal Board of Primary Education to

consider all the necessary documents of the petitioner relating to his Exempted Category status and thereafter take a decision with regard to the candidature of the petitioner. If the petitioner falls within the zone of consideration, then necessary consequential steps shall be taken by the said respondent in the matter.

The petitioner is directed to forward all the relevant documents in support of his exempted category status to the respondent No.3 within a week from date.

The respondent No.3 shall take a decision in the matter at the earliest, but positively within a period of five weeks from the date of receipt of all documents from the petitioner.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

W.P.A. 10314 of 2021 stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)