

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

W.P.A 4224 of 2022

**Nikhil Sikder @ Sikdar
-versus
State of West Bengal & Ors.**

**Mr. Probal Sarkar.
...For the Petitioner.**

**Mr. Swapan Kumar Dutta, Sr. Adv.
Mr. Pradyot Kumar Das.
...For the State.**

**Mr. Shamim Ul Bari.
...For DPSC.**

The petitioner participated in the recruitment process for primary school teacher conducted by the District Primary School Council, Malda in the year 2009-2010. Interview was conducted in the year 2014 and the final merit list was published in the year 2021.

The result of the petitioner was withheld.

As the result of the petitioner was not published, he approached this Court by filing a writ petition being WPA 15683 of 2021 which was disposed of on 10th November, 2021 with the direction to publish the result of the petitioner within eight weeks.

The Chairman, District Primary School Council, Malda by an order dated 17th February, 2022 intimated the petitioner that his candidature stood rejected and he was held ineligible to get appointment.

The petitioner is aggrieved by the said reasoned order and impugns the same in the present writ petition.

The reasoned order mentions that the petitioner participated in the recruitment process under the exempted category on the basis of his declaration that he performed the Census Operation work for the period on and from 9th February, 2001 to 9th March, 2001, total 29 days.

The respondent Council mentions that as per provision of notification No.301-EMP dated 21st August, 2002 of the Labour Department, Government of West Bengal, Ex-census candidates of 2001 does not come under the exempted category.

Learned advocate for the petitioner submits that his name was registered as an exempted category candidate but the identity card has not yet been issued in his favour.

The petitioner failed to show any document with regard to registration of his name in the exempted category with the Employment Exchange.

The petitioner relies upon a document issued by the Additional District Magistrate and District Census Officer, Malda dated 9th March, 2015 which mentions that the petitioner was actually engaged as Enumerator for the period 9th February, 2001 to 9th March, 2001 during Census-2001. The said communication was made by the Additional District Magistrate and the District Census Officer to the Director of Employment.

Admittedly, in the present case the petitioner has failed to show any document that his name was registered with the Employment Exchange in the exempted category.

The notification No. 301-EMP dated 21st August, 2002 clearly mentions that the Ex-Census Employees who worked in connection with 1981 Census Operation and had put in at least six months continuous service under the Director of Census Operations and the Ex-Census Enumerators/Supervisors of 1981 Census Operation holding authentic "Experience Certificate" issued by the Directorate of Census Operations will fall under the Ex-Census category.

Admittedly, the petitioner did not perform the Ex-Census Operations during the year 1981 or 1991. The petitioner worked for only 29 days in the 2001 Census.

According to the notification of the Government, 2001 Census Workers are not eligible to be treated as exempted category candidates.

As the petitioner has failed to show any document in support of his claim for being treated as exempted category candidate, accordingly, the prayer of the petitioner for being given the benefit of exempted category candidate cannot be accepted.

The writ petition fails and is hereby dismissed.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)