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18.02.2022.
d.p.

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

**W.P.A 7207 of 2021
(Via Video Conference)**

**Md. Asadul Islam
-versus
State of West Bengal & Ors.**

**Mr. B. N. Ray,
Ms. S. RAY
...For the Petitioner.**

**Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya.
...For the DPSC, North
24-Parganas.**

**Mr. Malay Singh,
Mr. Rajaram Banerjee.
...For the State.**

The petitioner participated in the recruitment process of primary teacher initiated in the year 2009.

A call letter for aptitude test/interview in connection with the recruitment process was issued in favour of the petitioner wherein he was intimated to appear in the aptitude test/interview on 22nd November, 2014.

The call letter dated 31st October, 2014 contains certain instructions to be followed by the candidates. It was mentioned that the candidate is requested to appear along with the testimonials and documents as mentioned therein in original and two sets of attested photocopy. It was also mentioned that the certificate

regarding category (SC/ST/OBC/PH/EC/Exs etc.) has to be produced.

It is the specific contention of the petitioner that he belongs to the exempted category/Ex-census worker of 91 and he produced all the documents in support of his exempted category before the interview board.

The petitioner has annexed a photocopy of the identity card issued in his favour by the Labour Department, Government of West Bengal on 30th May, 2013 wherein it has been mentioned that the petitioner is an Ex-census candidate.

The petitioner submits that he produced the aforesaid Ex-census identity card along with all supporting documents at the time of interview. The respondent authorities illegally and arbitrarily treated him as a general category candidate.

The District Primary School Council, North 24-Parganas has filed a report wherein it has been mentioned that though the petitioner applied in the exempted category, he failed to produce any authenticate documents/certificate of exempted category at the time of verification, accordingly, he was treated as a general category, unreserved candidate.

It has further been mentioned that the total marks scored by the petitioner is 19.44 whereas the marks/score by the last empanelled candidate in the unreserved category is 30.88.

Learned advocate appearing for the Council categorically denies the fact that the petitioner produced any document in support of his exempted

category. As there was no document whatsoever in support of reservation, accordingly, the petitioner was treated as an unreserved category candidate.

It appears from the submissions made on behalf of the parties that a factual dispute has arisen in this case. The petitioner contends that he produced the certificate relating to the exempted category whereas the Council denies the same.

It is not open for the writ Court to enter into such disputed question of facts.

The Council submits that the entire process of recruitment which was initiated in the year 2009 has been concluded.

In view of the above, no relief can be granted in favour of the petitioner in the present writ petition.

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.)