

04. 05.12.2022
bd. Ct.15

W.P.A. 13541 of 2018

Shirshendu Panda

-vs-

The State of West Bengal & Ors.

Mr. Shaunak Ghosh

Mr. Anindya Sundar Das

Ms. Avipsa Sarkar

... for the petitioner

Petitioner participated in the selection process conducted by the West Bengal Central School Service Commission pursuant to the notification dated 16th February, 2016 for appointment of assistant teacher in Government aided high schools. After offering candidature petitioner was found not eligible on the ground of over-age. Such ineligibility being over-aged candidate has been intimated to the petitioner as it appears from page 44 annexure P-10 to the writ petition.

Petitioner is aggrieved by rejection of his candidature and it has been submitted by the learned advocate representing the petitioner that in terms of the notification dated 16th February, 2016, page 34 onwards of the writ petition, there is a provision for age relaxation of the candidates. Reliance has been placed on behalf of the petitioner on the benefit of age relaxation up to the age of 55 years which has been granted to the approved teaching and non-teaching staff of recognised Government aided schools. It has further been submitted since petitioner is working as approved para teacher therefore he is entitled to get the

benefit of such provision relating to age relaxation up to the age of 55 years and it has also been submitted had the benefit of this provision been extended to the petitioner his candidature could not have been rejected as over-aged candidate.

However, in spite of service of notice no one appears for the West Bengal Central School Service Commission.

Affidavit of service filed on behalf of petitioner is taken on record.

After considering the submission made on behalf of the petitioner and perusing the relevant materials available on record it appears that it is true that there is provision for age relaxation of the approved teaching and non-teaching staff working in recognised Government aided schools up to the age of 55 years. The question arises for consideration whether such relaxation of age is applicable in case of petitioner who is working as para teacher. Vide memo dated 4th June, 2012 admittedly petitioner was appointed as para teacher and it has been submitted that till date he has been functioning as such.

On reading the age relaxation provision as contained in Government Notification dated 16th February, 2016 it appears that such benefit of relaxation of age up to 55 years is confined only to the approved teaching and non-teaching staff working in Government aided recognised schools and petitioner being para teacher is not entitled to

such benefit. In addition thereto no challenge has been thrown to the said age relaxation provision as contained in the notification dated 16th February, 2016 in the present writ petition.

In view of aforesaid facts this Court does not find any flaw in declaring the petitioner as over-aged candidate.

The writ petition stands dismissed. However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)