

Item No.17
25.11.2022
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Ct. 24

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

W.P.A. 25084 of 2022

**Dr. Avijit Chakraborty
-versus
Kolkata Municipal Corporation & Ors.**

**Mr. Arijit Dey
..for the petitioner**

**Ms. Koyeli Bhattacharyya
..for the W. B. Municipal Service Commission**

**Mr. Alope Kumar Ghosh
Ms. Tanushree Dasgupta
..for the KMC**

The petitioner intends to participate in the recruitment process initiated by the West Bengal Municipal Service Commission for recruitment of Sub-Registrar.

Advertisement No.11 of 2022 for recruitment was published by the West Bengal Municipal Service Commission on 29th July, 2022. Last date for filing online application was 4th September, 2022. The age limit for participating in the said examination is not more than 45 years on 1st of January, 2022 and the said upper age limit is relaxable by five years in favour of the candidates who are working in the

Government /semi Government / local / statutory bodies/urban bodies in similar nature of post on either permanent or contractual basis in burning ghats/burial ground/ mortuary etc. for at least five years.

The candidate should have the essential qualification of a degree/diploma in homeopathy medicine like BMS/THMS/DMS from recognized university/ institution.

The petitioner submits that he possesses the essential educational qualification and he is serving in the similar nature of post in burning ghat for the last five years. The petitioner is presently 53 years of age and has exceeded the upper age limit despite the relaxation granted.

The petitioner has mentioned in the writ petition that he got the knowledge of the advertisement in the month of October and immediately thereafter he filed a representation before the Kolkata Municipal Corporation on 17th October, 2022 with a request to issue a 'no objection' certificate so that he can participate in the recruitment process.

Announcement was made by the West Bengal Municipal Service Commission on 10th November, 2022 disclosing the date of the written examination, which is 18th December, 2022.

The petitioner has filed the present writ petition on 15th November, 2022 seeking for a direction upon the respondent authorities to permit him to participate in the recruitment process by relaxing the upper age limit and by relaxing the time period for filing the application.

The petitioner relies upon an unreported order passed by this Court on 1st September, 2022 in **W.P.A.18907 of 2022 (Dr. Dipankar Pramanik versus the Kolkata Municipal Corporation and Ors.)**.

In Dipankar Pramanik (supra) the Court allowed the prayer of the petitioner to participate in the recruitment process by submitting offline form within the time specified in the recruitment notice.

The prayer of the petitioner has been opposed by the learned advocates representing the Kolkata Municipal Corporation and the West Bengal Municipal Service Commission.

It has been submitted that the petitioner failed to approach this Court within the validity period of the recruitment notice. As the time period to file the application has long expired, accordingly, the petitioner may not be permitted to participate in the recruitment process.

It has been submitted that the representation allegedly made by the petitioner on 17th October, 2022 before the Chief Municipal Health Officer does not bear any seal or signature showing receipt of the same in the office of the Corporation.

Having heard the submissions made on behalf of the parties and on perusal of the materials on record it appears that the petitioner has approached this Court long after the last date of filing the application.

Had the petitioner been genuinely interested to participate in the recruitment process, he ought to have been more vigilant and applied in proper time for necessary relief.

Lately the Commission has declared the date of the written examination. The initial process of the Commission for scrutinizing the applications is nearly over.

The application filed by the petitioner before the Corporation seeking issuance of the 'no objection' also does not bear any seal or signature of the employer. The Court has no other option but to infer that the petitioner approached this Court on 15th November, 2022 after the date of written examination was declared by the West Bengal Municipal Service Commission on 10th November, 2022.

If the prayer of the petitioner to participate in the recruitment examination after the last date of filing the application is accepted, the same may open floodgate and there may be similarly circumstanced candidates who may approach the Court for relief.

As time frame has already been fixed by the recruiting authority within which the application is required to be filed, the candidate ought to follow the same and not approach this Court at a delayed point of time seeking permission to participate in the recruitment process.

The Court is not inclined to exercise jurisdiction in the matter.

The writ petition fails and is hereby **dismissed**.

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

(Amrita Sinha, J.)