

19.07.2023
SL No.54
Court No.8
(GD/SB)

**MAT 489 of 2022
with
CAN 1 of 2022**

**Akter Hossain
Vs.
The State of West Bengal & Ors.**

Mr. Golam Mastafa
Mr. Tarasankar Samanta
.....for the appellant
Mr. Bhaskar Prasad Vaisya
Mr. Mrinal Kanti Ghosh
...for the State

The appeal is arising out of an order dated 14th March, 2022 in which the petitioner claimed that he participated in the adult education/non-formal education scheme within 20th March, 2018 and he ought to be treated as an exempted category candidate and to be given preference at the time of appointment in the post of Primary School Teacher. The learned single Judge relied upon the Labour Department notification dated 21st August, 2022 and held that he does not come under the exempted category. In fact the Chairman, District Primary School Council, Malda reiterated the said prayer relying upon the aforesaid notification. Apart from the aforesaid, the learned single Judge has relied on two Single Bench decisions one of which was affirmed in MAT 1410 of 2011 with CAN 9188 of 2011 on 2nd August, 2012. The Co-ordinate Bench

in dismissing the similar prayer on 2nd August, 2022 and relied upon the Labour Department notification dated 21st August, 2022.

In view of the aforesaid, there is no infirmity in the order passed by the learned Single Judge.

The appeal and application are stand dismissed.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)