15 rkd 05.09.2023 Ct.15

W.P.A. 12846 of 2017

Mursalim Mondal
-vs-
The State of West Bengal & Ors.

Md. Salahuddin,
Md. Ahsanuzzaman,
Md. Raziuddin

....for the petitioner.

Mr. Ashim Kumar Ganguly,
Ms. Sukla Das Chandra

....for the State.

Matter relates to experience certificates which the petitioner produced before the concerned authority at the time of viva voce for being selected to be appointed as Panchayat Karmee pursuant to the notification dated 7^{th} July, 2016 for being considered for the post of Gram Panchayat Karmee.

The learned advocate representing the petitioner submits that in terms of Clause (c) the eligibility criteria as defined against selection of Gram Panchayat Karmee as contained in notification dated 7^{th} July, 2016, 6(six) years working experience as Tax Collector is sufficient. There is no stipulation in the said eligibility criteria that the candidate has to be in continuous service as Tax Collector prior to offering candidature for the post of Panchayat Karmee.

Reliance has been placed on the certificate dated 10th September, 1998 issued by the Prodhan, Mitrapur Gram Panchayat as well as the certificate dated 11th April, 2017 issued by the Block Development Officer, Murarai-II Development Block in support of petitioner's contention that he had 6(six) years experience as Tax Collector prior to participation in the selection process for being appointed in the post of Panchayat Karmee.

It has been submitted that ignoring the experience which petitioner had being Tax Collector for a period of six years the concerned respondent authorities did not allow him to participate in viva voce as a result whereof petitioner was thrown out of the selection process.

The learned advocate representing the State respondents has opposed the prayer of the petitioner on the ground that the petitioner is required to have continuous working experience as Tax Collector which the petitioner did not possess at the material point of time therefore he was found to be not eligible to be considered for the said post of Panchayat Karmee.

In addition thereto the certificate dated 10th September, 1998 issued by the Prodhan, Mitrapur Gram Panchayat and the certificate dated 11th April, 2017 issued by the Block Development

Officer, Murarai-II Development Block in support of the working experience of the petitioner as Tax Collector are disputed by the learned advocate representing the State respondents and it has been submitted that these certificates are not genuine.

Having considered the submissions made on behalf of the learned advocates representing the petitioner and the State respondents and in consideration of the eligibility criteria as laid down in the notification dated 7th July, 2016 it appears that it has been clearly provided under Clause 5(b) in the Table for selection of Gram Panchayat Karmee requisite working experience as Tax Collector is 6(six) years. It has not been stated in the said notification dated 7th July, 2016 that the candidate must have continuous working experience.

In view of the eligibility criteria as laid down in the notification dated 7th July, 2016 this Court finds that there is substance in the contention of the petitioner that the requirement is six years working experience as Tax Collector, continuous working experience was not asked for.

It has further been contended that petitioner worked as Tax Collector from 1998 to 2004 therefore petitioner ought to have been considered as an eligible candidate in terms of working experience as Tax Collector.

However, the veracity of the certificates relied upon by the petitioner in order to establish that he had 6(six) years working experience as Tax Collector are disputed on behalf of the State respondents, this Court directs the District Panchayat and Rural Development Officer, Birbhum being the respondent no.4 to take a decision with regard to the working experience of the petitioner as Tax Collector based on the certificates relied upon by him in this writ petition as referred to above after deciding whether those certificates are genuine or not. The decision to be taken by the respondent no.4 within a period of 12(twelve) weeks from the date of communication of the order.

If it is found by the respondent no.4 that certificates are genuine and on calculation of the period if it is further found that petitioner worked as Tax Collector for a period of six years he will be adjudged as an eligible candidate for being appointed in the post of Panchayat Karmee in terms of the said notification dated 7th July, 2016.

This Court is aware of the fact as it has been submitted on behalf of the State respondents that the vacancy of Panchayat Karmee for which petitioner participated in the selection process has already been filled up therefore petitioner at present cannot be considered for the said vacancy. However, in future when selection process will be initiated by the concerned respondent authorities for filling up the post of Gram Panchayat Karmee petitioner shall be treated as an eligible candidate, if the eligibility criteria as contained in the notification dated 7th July, 2016 remains unaltered.

With the aforesaid direction the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)