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10.09.2024
d.p.

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

W.P.A 8742 of 2024

**Smt. Tanusree Kotal
-versus
The State of West Bengal & Ors.**

**Ms. Debjani Sengupta,
Ms. Paulomi Ghosh.
... For the Petitioner.**

**Ms. Sangeeta Roy,
Mr. Arindam Mitra.
...For the State.**

**Mr. Bhaskar Prasad Vaisya,
Mr. Ranjan Saha.
...For DPSC, South 24-Pgs.**

The reasoned order passed by the Chairman, District Primary School Council, South 24-Parganas on 6th February, 2024 is impugned in the instant writ petition.

The candidature of the petitioner for being empanelled in the final panel for recruitment of primary teacher has been set at naught by holding that she did not get her name registered with the employment exchange prior to the cut off date which was December 1991. The petitioner registered her name with the employment exchange in the year 1994.

Whether delayed registration before the employment exchange is a ground for rejecting the candidature of an intending candidate was decided by the Court in the matter of Dilip Pradhan -vs- The State

of West Bengal & Ors. reported in (2011) 2 CAL LT 105 wherein the Court held that in an open recruitment process candidates should be allowed and encouraged to participate so that the participation is not narrowed or whittled down by introducing extraneous and superfluous reasoning only for the purpose of restricting it. The same strikes at the very root of an open process of selection by compromising with the quality of recruitment and the fairness and transparency associated with it.

In the instant case, the petitioner was sponsored by employment exchange but as her registration with the employment exchange was in the year 1994, accordingly, she was not empanelled in the final panel. The selection process for recruitment of primary school teacher was of the year 2006 i.e. long after the petitioner registered her name with the employment exchange.

The Court is convinced that the ground for rejection of the petitioner's candidature cannot be held to be a valid one. The merit of a candidate cannot be adjudged relying upon the date of registration before the Employment Exchange. Once the name of a candidate is sponsored by the Employment Exchange and the candidate is permitted to participate in the selection process, the examination conducting authority ought not to reject the candidature of the sponsored candidate on the ground of delayed registration.

In view of the above, the impugned order dated 6th February, 2024 is set aside.

The Chairman of the Council is directed to immediately forward the name of the petitioner to the

competent authority and take necessary consequential steps.

In the event the petitioner is found eligible for appointment, then the appointment letter shall be issued in her favour in accordance with law at the earliest but positively within a period of eight weeks from the date of communication of this order.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)