

Item No.08

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

19.07.2024
Ct-14
AGM

WPA 14335 of 2024

Smt. Jharna Mondal

v.

The State of West Bengal & Ors.

Mr. Ratul Biswas.

Mr. Somesh Ghosh.

... for the petitioner.

Mr. Sujoy Ash.

... for the State.

Mr. B.P. Vaisya.

Mr. Pinaki Bhattacharya.

...For the DPSC North 24 Parganas.

The petitioner claims benefit of reservation of caste and reservation under the Exempted Category (SC EC).

Reliance has been placed on various documents to show that she was appointed as enumerator in the census work. The certificate issued by the Block Development Officer, Bhangore II Development Block on 6th December, 2021 mentions that the petitioner was an Anganwari worker of ICDS project. As per the office record she successfully completed census 2001 related work as enumerator from 17th April, 2000 to 16th May, 2000 and 19th February, 2021 to 5th March, 2001. She also performed the work of enumerator from 28th April, 2005 to 5th May, 2005.

Relying on the aforesaid certificate, the petitioner claims benefit under the exempted category.

The respondents considered the candidature of the petitioner under the Scheduled Caste category but did not give the benefit of reservation under the Exempted Category on the ground that the petitioner did not fulfill the criteria related to the exempted category as laid down in the Government notification No. 301-EMP/1M-10/2000 dated 21st August, 2002.

The aforesaid notification mentions that exempted categories for the purpose of West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999 in respect of enumerators, the enumerators are to be engaged in the job during the revision/preparation of electoral rolls by the Home (C & E) Department between 1979 and 1st June, 2000 and had put in a total of at least 240 days' (two hundred forty days) work during the said period.

Admittedly, the petitioner did not perform the work of enumerator between 1979 and 1st June, 2000. Neither did the petitioner put in a total of 240 days of work during the period she was engaged as enumerator. The petitioner has not registered her name before the Employment Exchange under the Exempted Category.

The petitioner relies on the judgment delivered by a coordinate Bench of this Court on 21st June, 2013 in **WPA No. 13971 (W) of 2011 (Mohitosh Jana -Vs- State of West Bengal & Ors)** wherein an exempted category candidate was inadvertently not given the benefit of the said category.

The Court in the matter of Mohitosh Jana (supra) records that the Council cannot withhold the appointment of a candidate who has enrolled as exempted category as Ex-Census Worker.

The Court in the very first paragraph of the said judgment records that the petitioner was registered with the Director of Employment, Exempted Category Cell, Government of West Bengal.

In the instant case, the petitioner has only been registered as a Scheduled Caste category candidate but not as an exempted category candidate. The documents in support of performing the job as enumerator relied upon by the petitioner do not satisfy the condition as mentioned in the notification referred to by the respondent authority.

In view of the above, the Court is unable to accept the contention of the petitioner that she ought to be given the benefit under the exempted category. The respondent authorities considered the caste certificate of the petitioner and give the benefit of the caste reservation. The Court does not find any error on the part of the respondent authorities.

The writ petition, accordingly, 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.)