

22.04.2024
Sl. No.01
Suman
Ct.No.238

WPA 29119 of 2017

Ashim Kumar Das
Vs.
The State of West Bengal and Ors.

Mr. Prabir Adhya
Mr. Avijit Mukherjee
Ms. Madhumanti Chakraborty
..for the petitioner

Mr. Tapas Kumar Adhikari
Mr. Somraj Dhar
..for the State

The petitioner challenges appointment of respondent no.7 to the post of Laboratory Attendant (Physics) at Vivekananda Mahavidyalaya, Haripal, Hooghly. It is the grievance of the petitioner that respondent no.7 has secured his appointment by producing a forged class-VIII certificate. The petitioner contends that there is no such school namely, Mahesh Vidyaniketan (Jr. High) School.

The petitioner further alleges that despite being an age barred candidate, respondent no.7 was allowed to participate in the selection process.

Learned advocate appearing for the State has produced the instruction received from his client.

Let the instruction be taken on records.

The instruction suggests that the relevant school was an unrecognised school closed in 1996. The certificate issued by the then Headmaster, however, indicated that respondent no.7 qualified as class-VIII pass in 1988.

The instruction further clarifies that the date of birth of respondent no.7 is December 10, 1974 and the advertisement for the recruitment was published on July 16, 2016. As a matter of practice, age limit of a candidate is considered on the basis of the first day of January of the year of publication of the advertisement. Therefore, the petitioner was above 40 years on the date of advertisement. The post in question was, however, reserved for OBC candidate. There was an age relaxation of three years by Government Order No.378-F dated January 10, 1997 issued by the Finance Department. Since respondent no.7 was an OBC candidate, he was within the age limit on the date of publication of the advertisement.

In view of the aforesaid observations, I do not find any substance in the allegations made in the writ petition.

Accordingly, **WPA 29119 of 2017** is dismissed.

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

(Kausik Chanda, J.)