

26.04.2024.
Court No. 13
Item No. 18
ap

W.P.A. No. 29025 of 2023

**Prasanta Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Suman Dey.

...For the petitioner.

Mr. Bhaskar Prasad Vaisya,

Mr. Pinaki Bhattacharyya.

...For the DPSC, North 24 Pgs.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is aggrieved by an order dated 30th January, 2023 passed by the Chairman, District Primary School Council, North 24 Parganas (in short 'DPSC, North 24 Parganas').
3. By the impugned order, the writ petitioner, who was empanelled in EC category in the selection process for the posts of Assistant Teachers conducted in the year 2009. The trial panel including the petitioner was published in the year 2021. The petitioner was however declared ineligible in course of review of his credentials.
4. The Chairman, DPSC, North 24 Parganas found that the petitioner's Exempted Category card was issued on 16th November, 2011.
5. Admittedly, the land of the petitioner's father was the subject matter of acquisition proceedings in the year 1999-2000. Based on such acquisition the

petitioner came to be considered as an Exempted Category Candidate. He could not obtain the Exempted Category Registration Card despite running from pillar to post. He finally obtained it on 16th November, 2011.

6. The respondent Chairman, DPSC, North 24 Parganas was of the view that since the EC Certificate dated 16th November 2011, was beyond 10th June, 2010 i.e. the last date of receipt of the applications, cannot be accepted.

7. Counsel for the petitioner has annexed to the writ petition an order of a Co-ordinate Bench of this Court dated 8th February, 2023 passed in W.P.A. No. 18245 of 2022. In the said case, the petitioner therein obtained his OBC Certificate on 30th December, 2011 despite his brother already have an OBC Certificate.

8. The Bench in the order dated 8th February, 2023 found favour with the petitioner therein and directed processing of his application even if his OBC Certificate was dated 30th December, 2011 i.e. after 10th June, 2010, being the last date of acceptance of application.

9. Applying the same principle in the instant case, this Court notes that the petitioner was already entitled to be in the Exempted Category in the year 2000 itself. It is not the petitioner's fault that he could not obtain his Exempted Category Registration Card

from the Employment Exchange at Bentick Street, Kolkata until November, 2011.

10. In those circumstances, the impugned order dated 30th January, 2023 shall stand set aside.

11. The petitioner has secured 17.37 marks. Based on the aforesaid marks, if he comes within the zone of consideration under the EC (UR) category. He shall be issued a letter of appointment by the Chairman, DPSC, North 24 Parganas and the Commissioner of School Education shall consequently approve the same.

12. Let the aforesaid exercise be carried out by the Chairman, DPSC, North 24 Parganas and the Commissioner of School Education within a period of one month from the date of receipt of a copy of this order.

13. With the aforesaid directions, the instant writ petition shall stand disposed of.

14. There will be no order as to costs.

15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)