

Ct No.30 27 13.1.2025

Saikat

WPA 7952 of 2010

**Rexona Khatun Bibi
Vs.
State of West Bengal & Ors.**

*Mr. Golam Mastafa, Adv.
Mr. Subir Sabud, Adv.*

...For the Petitioner

*Mr. Srijan Nayak, Adv.
Ms. Rituparna Maitra, Adv.*

...For the State

Affidavit-of-service filed in Court be kept with the record.

The present writ petition has been preferred praying for direction upon the respondents not to give effect to the impugned order which is as under:-

“...the impugned order contained in the memo no.546(7), dated 19.3.2010 issued by the Block Development Officer, Raninagar-I Block and further commanding them to revoke, cancel and/or withdraw the same and also directing the said respondent to approve the engagement of the petitioner as 4th Sahayika of Ajmatpur S.S.K., Post Office-Chatra, District-Murshidabad as early as possible.”

Learned counsel for the State is present. He has placed a copy of the Government Order being No.3721(19)-PN/O/I/3S-340/04 dated 8th November, 2004, of the Department of Panchayat and Rural Development. Relevant part of the order appears as follows:-

“(ii) As provided in the guidelines (as amended) the candidates must have the following qualifications.

*(a) Women of **at least 40 years** of age and having passed Madhyamik Examination of the West Bengal Board of Secondary Education or its equivalent examination will be eligible for consideration.*

.....(v) In case all the eligible candidates are less than 40 years of age, oldest candidate having requisite educational qualification should be considered, with the prior approval of the concerned Panchayat Samity. However, no candidate of less than 18 years of age shall be considered.”

In the present case, admittedly, the petitioner was 31 years at the relevant time and as such was not qualified under II(a) of the said Government Order under reference. In respect of Clause (v), the petitioner could not prove that she was the oldest candidate having requisite educational qualification as required.

As such the order under challenge does not suffer from any irregularity and/or illegality.

The writ application having no merit stands dismissed on contest.

All connected applications, if any, stand dismissed.

Interim order, if any, also stands vacated.

There will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

[Shampa Dutt (Paul), J.]