

**18.02.2022**  
**Sl. No.13**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE  
(Via Video-Conference)

**WPA 1672 of 2022**

**Abhijit Ghosh**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Sabyasachi Mukherjee,  
Mr. Bibek Dey,  
Mr. Mukesh Khanna  
....for the petitioner.

Mr. Tapan Kumar Mukherjee,  
Mr. Rajat Dutta  
.....for the State.

Affidavit of service filed in Court today is taken on record.

The petitioner says that on 1<sup>st</sup> November, 2021, a recruitment notice was published by the West Bengal Health and Family Welfare Samiti. In the said notice against the age limit as on 01.04.2021, the following was stated:-

“Not exceeding 40 yrs (relaxation in age + 5 years will be given for SC/ST/OBC Candidates as per extant rule and order in this regard).”

The petitioner says that being in other backward classes (in short OBC), the petitioner is entitled to a 5 years age relaxation in terms of such recruitment notice. However, the petitioner’s application was rejected. Though no formal communication has

reached the petitioner, but the petitioner apprehends that only on the ground of age limit, the petitioner's application was rejected as the petitioner fulfils other eligibility criteria under the subject recruitment process.

On behalf of the State, it is submitted that the extant rule and order in case of age relaxation has been specifically incorporated in the recruitment notice. Under the relevant rule with regard to OBC, the age relaxation is only 3 years and not 5 years. The petitioner as per the affidavit appended to the writ petition is presently about 45 years. The age limit as per the recruitment notice is required to be calculated as on 1<sup>st</sup> April, 2021. The petitioner, therefor, is above 43 years but below 45 years as on 1<sup>st</sup> April, 2021.

The matter, therefor, requires consideration by the concerned authority.

The respondent no.5, being the Executive Director, West Bengal State Health and Family Welfare Samiti is, therefor, directed to consider the petitioner's case so far as it relates to age relaxation to an OBC candidate by 11<sup>th</sup> March, 2022 and dispose of the same by a reasoned order after affording the petitioner a reasonable opportunity to represent his case. The reasoned order that may be

passed shall be communicated to the petitioner within a period of 10 days from the date of passing of the same.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

**(Arindam Mukherjee, J.)**