

Item No.12
30.01.2023
Court. No. 19
GB

W.P.A. 168 of 2023

Sakila Bibi Sk.
VS
The State of West Bengal & Ors.

*Mr. Abdul Rakib,
Mr. Biswajit Sarkar,
Mr. Suman Biswas*

...for the Petitioner.

Mr. Rezaul Hossain

...for the State.

Upon perusing the further report of the Child Development Project Officer, Kaliganj ICDS Projecct, it appears that the selected candidates, namely, Supriya Gorai and Shampa Halder had been selected on merits and they were neither given any age relaxation nor any relaxation for their educational qualification and marks obtained in the said selection process.

The Hon'ble Apex Court has laid down in the decision of Deepa E.V. vs. Union of India & Ors. reported in AIR (2017) 12 SCC 680 that the reserved category candidates can be appointed under the 'General' category only on merits and not if they have been given any advantage as a reserved candidate. The relevant portion of the judgment is quoted below:-

"In this connection, it is clarified that only such SC/ST/OBC candidates who are selected on the same standards as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting SC/ST/OBC candidates, for example in the age-limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates, etc., the SC/ST/OBC candidates

are to be counted against reserved vacancies. Such candidates would be deemed as unavailable for consideration against unreserved vacancies.”

As no relaxation available as per the reservation policy was given to the candidates, the selection of such candidates on merit was legal and sustainable. The authorities have specifically stated in the report that the persons who had been selected were selected on merits and no relaxation had been given to them, the writ petition is disposed of without any interference.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)