

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 10146 of 2024

Bhagyashree Mandi

Versus

The State of West Bengal & Ors.

For the petitioner

Mr. Lal Ratan Mondal
Mr. Dilip Kumar Sadhu

For the State

Mr. Swapan Kr. Dutta
Mr. Dipankar Das Gupta

For the respondent no.4

Mr. Sirsanya Bandopadhyay
Ms. Tapati Samanta

For the respondent no.5

Mr. Arindam Ghosh

Heard on : 21.08.2024

Judgment on : 21.08.2024

JAY SENGUPTA, J:

This is an application for direction upon the respondent authorities to cancel the candidature, selection and appointment of the private respondent to the post of Librarian at Malanchasri Sadharan Pathagar, Village- Chandipur, Post Office- Rakhajangal, Paschim Medinipur.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the second empanelled candidate in the list of candidates for the post in question. It is her case that the purported first candidate does not fulfil the essential conditions for applying for the said post. As per the recruitment notice published on 24.05.2023, the essential qualification for applying for the post was a certificate in library and information science obtained from any of the stipulated institutions or any other training centre recognized by Government of West Bengal for such purpose, although, candidates with Bachelors Degree Library and Information Science or equivalent were also eligible to apply. But, the first candidate does not have any such degree or certificate. She had allegedly passed a Diploma Course in Library Science from Bir Tikendrajit University, State of Manipur. As would appear from the application of the first candidate, it was made on 09.06.2023. The document that is being relied upon by the respondent no.4 purporting to be a clarification issued on 03.08.2023 would not be applicable in the instant case as at the

time of issuance of recruitment notice, there was no such clarification made.

Learned counsel appearing on behalf of the respondent authorities/respondent no.4 denies the allegations made in the writ petition and submits as follows. In the course of the recruitment process, queries were raised by the District Library Officers of various districts in connection with the required qualification of candidates for the said post. This prompted the Director of Library Services to issue a Memo No. 785/LS dated 03.08.2023 to all the District Library Officers by answering the questions. As regards the question as to whether candidates with integrated MLISc Degree and Diploma in Library Science, viz., Higher Degree than CLIS would be eligible or not, it was held that the diploma was higher degree than the certificate course and as there was no specific bar on higher qualification mentioned in the Recruitment Rules, the appointing authority would be entitled to consider accepting the applications of candidates possessing such qualification. The private respondent is covered by this clarification. This clarification was issued on 03.08.2023, much before the date of examination which was 27.08.2023. This clarification applies to all candidates in the whole of the State of West Bengal.

Learned counsel appearing on behalf of the respondent no.5 denies the allegations and submits that his client is eligible

for the post as would be evident from the subsequent clarification. It is abundantly clear that the respondent no.5 had passed the diploma course in the year 2022 from a recognized University and the said diploma course is a higher qualification on the same subject than a certificate course.

Learned senior counsel representing the State respondents/ respondent nos. 1 to 3 denies the allegations made in the writ petition and highlights that while the petitioner obtained for 49.2 per cent marks in the examination, the respondent no.5 had obtained 61.5 per cent marks in the said examination.

By the very connotation, it would be evident that a clarification would have been issued only after the recruitment notice was issued. However, as the said clarification was issued before the date of written examinations, all candidates must have been aware of the conditions for recruitment to such post, as clarified.

It further appears that a diploma course in library sciences is essentially a higher qualification than a certificate course over the same subject.

After going through the recruitment rules and the clarification, it does not appear that the respondent no.5 was not eligible for the post in question.

In view of the above discussions, I do not find any merit in this writ petition.

Accordingly, the writ petition is dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J)