

S/L 2
17.04.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
WPA 7519 of 2025

Rina Adhikary & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Ms. Srinjini Chakraborti

...for the Petitioners.

Mr. Suman Dey
Ms. Kalpita Paul

...for the State.

Ms. Tapati Samanta

...for the Respondent No.6.

Affidavit of service filed on behalf of the petitioners in Court today be kept with the record.

The District Magistrate Purba Bardhaman being the Chairman of the Local Library Authority, the respondent no.5 herein by an advertisement dated May 31, 2023 had invited online applications from eligible candidates to fill up 55 vacancies in the post of Librarian of the sponsored public library under the control of Local Library Authority in the said district, 3(three) out of the said 55 vacancies were reserved for Scheduled Caste (Exempted Category) candidates.

The petitioners had participated in the said selection process under the 'Scheduled Caste' category.

On January 13, 2025, a panel of selected candidates and a panel of wait-listed candidates were published; the petitioners are the wait-listed candidates.

The petitioners are praying conversion of the said three vacancies from the category of S.C.(E.C.) to the category of 'Schedule Caste' on the ground that in the said selection test, the said three vacancies could not be filled up for non-availability of S.C.(E.C.) candidates.

Mr. Dasgupta, learned advocate for the petitioners, referring to the notification of the Labour Department, Government of West Bengal bearing No.50-Emp/1M-25/98 dated March 01, 2011, submits that in terms of the said notification, the respondent no. 5 should have converted the said vacancies, as prayed for by the petitioners.

Mr. Dey, learned advocate for the State and Ms. Samanta, learned advocate for the District Library Officer, Purba Bardhaman, the respondent no.6 herein jointly submit

that the issue may be relegated to the concerned authority for consideration.

Heard learned advocates for the parties, perused the materials-on record.

It appears from the panel of eligible candidates that the three vacancies reserved for S.C.(E.C.) candidates could not be filled up for want of suitable candidates.

The aforementioned notification of the Labour Department dated March 01, 2011 prescribes the guidelines to fill up such vacancies, for ready reference, the relevant paragraph of the said Notification is quoted below:-

“8. As no curtailment of existing percentage of reservation for SC, ST and OBC Category-A and Category-B can be made, the reserved points for SC (E.C.), ST (E.C.), OBC Category-A (E.C.) and OBC Category-B (E.C.) shall be filled up by the Exempted Category Candidates belonging to SC, ST and OBC Category-A/Category-B only. In case of non-availability of a suitable Exempted Category Candidate belonging to SC, ST or OBC Category-A and Category-B for any of such reserved point, the said vacancy shall be filled up by a non-Exempted Category Candidate belonging to SC, ST or OBC Category-A and Category-B as the case may be.”

It appears from the record that a representation of the petitioners dated January 30, 2025 praying such conversion is pending consideration before the respondent no. 5.

As suggested by the State and the respondent no. 6, the issue may be addressed by the respondent no. 5, accordingly, the said respondent is directed to consider the said representation in light of the aforesaid notification of the Labour Department and to dispose it of as expeditiously as possible, preferably within a period of four weeks from the date of communication of this order.

WPA 7519 of 2025 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)