

S/L 3
17.04.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
WPA 7528 of 2025

Maharaj Rej & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Ms. Srinjini Chakraborti

...for the Petitioners.

Mr. Pinaki Dhole

...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, 7(seven) out of the said 55 vacancies were reserved for Unreserved (Exempted Category) candidates.

The petitioners had participated in the said selection process under the 'Unreserved' 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 alleging that only 2 out of the said seven vacancies under the category of U.R.(E.C.) has been filled up, the rest five could not be due to non-availability of U.R.(E.C.) candidates. The petitioners are praying conversion of the said five vacancies to the 'Unreserved' category.

Mr. Dasgupta, learned advocate for the petitioners, referring to the notification of the Labour Department, Government of West Bengal bearing No. 35(100)-Emp. dated February 8, 2005, submits that in terms of the said notification, the respondent no. 5 should have converted the said five vacancies, as prayed for by the petitioners.

Mr. Dhole, 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 five vacancies reserved for U.R.(E.C.) candidates could not be filled up for want of suitable candidates.

The aforementioned notification of the Labour Department dated February 8, 2005 prescribes the guidelines to fill up such vacancies, for ready reference, the relevant portion of the said Notification is quoted below:-

“After careful consideration of the matter, it is hereby laid down that in case suitable General Exempted Category candidates are not available, the vacancies meant for General Exempted Category candidates under the Model 100 Point Roster of vacancies may be filled up by way of recruitment of candidates belonging to General non-Exempted Categories sponsored by Employment Exchanges”

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 dispose it of as expeditiously as possible, preferably within a period of four weeks from the date of communication of this order.

WPA 7528 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.)