

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Jay Sengupta

**WPA 13484 of 2024
Shrabani Khan & Ors.
Vs.
The State of West Bengal & Ors.**

For the petitioners : Mr. Bikram Banerjee
Mr. Arka Nandi
Mr. Sagar Dey
Ms. S. Das
.....Advocates

For the State : Mr. Swapan Kr. Dutta
Mr. Rajat Dutta
.....Advocates

Heard lastly on : 27.03.2025

Judgment on : 11.07.2025

Jay Sengupta, J:

1. This is an application, inter alia, praying for a declaration that the Certificate Pass Course in Library and Information Sciences is a mandatory

qualification to apply for the post of librarian in a sponsored public library and cancelling the appointments made in violation.

2. Learned counsel appearing on behalf of the petitioners submitted as follows. The petitioners having passed out higher secondary examination and possessed a pass certificate in Library and Information Science applied for and participated in the recruitment process pursuant to the notification dated 17.03.2023 for the post of librarian of a sponsored public library having the status of Rural/Area/Primary Unit Library. The qualifications for participation in the librarian of a sponsored public library having the status of Rural/Area/Primary Unit Library as per the old rules/notification dated 03.07.1997 having number 945-EDN (MEE), which stated as follows. Qualification for direct recruitment, essential: (a) A pass in the Madhyamik Examination or its equivalent and Pass Certificate in Library Science from any of the following Institutions:- (i) Training Centre attached to the Bengal Library Association, (ii) Training Centre attached to the District Library, Ramakrishna Mission Boys' Home, Rahara, (iii) Training Centres attached to Janata Colleges at Kalimpong and Banipur, (iv) Any other training centre recognized by the Govt. of West Bengal for the purpose. (b) Knowledge of Bangali or Nepali (for hill area of Darjeeling district only). The legislature while making the notification dated 1997/Rule dated 1997 intentionally kept the mandatory qualification as pass in the Madhyamik Examination or its equivalent and Pass Certificate in Library Science in any of the above mentioned institutions) for recruitment in the post of Rural Librarian for around 25 years considering all aspects and the new qualifications as per

new rule for the said post were as mentioned in as follows. Name of the Post was Librarian of a sponsored Public Library having the status of Rural/Area/Primary Unit Library. The new legislation stated that the candidates must possess pass in Higher Secondary Examination and pass certificates in Library Science. In the new notification serial no. (ii) was brought into effect which stated that the candidate with Bachelor's degree in Library and Information Science were also eligible to apply. The legislative intent in keeping the old rule and the new rule into consideration was that that a person passing out Higher Secondary and "Certificate in Library and information Science" were only eligible for applying in the post of Librarian in Rural Library. As per new rule a person was having a Bachelors' Degree in Library and Information Science was also eligible to apply only if, the said candidate/candidates were possessing "Certificate in Library and information Science". A candidate/candidates only having Bachelors' Degree in Library and information Science, and not having "Certificate in Library and information Science" could not apply even if the new rule was taken into consideration. Any candidate not having "Certificate in Library and information Science" could not apply for the rural library. It was not within the knowledge of the petitioner that person's/candidates only having Bachelors' Degree in Library and information Science had applied to this post. The petitioners had categorically demonstrated in the pleadings before this Court and had made two of them as added respondents as far as the petitioners got information from sources. Several candidates only having Bachelors' Degree in Library and Information Science had been allowed by

the respondents to participate in the selection process without having a "Certificate in Library and Information Science" and such a process was highly illegal and hence, candidates who participated or appointed only having Bachelors' Degree in Library and information Science should be withdrawn / removed by the respondents. The syllabus of the Certificate in Library Science and Bachelors' Degree in Library and information Science were distinctively different. The State in none of their affidavits had denied this point. The curriculum for the two posts were completely different and were designed to cater to different objectives. Reliance was placed on *Devesh Sharma Vs. Union of India 2023 SCC Online SC 985*. Here it was a consistent policy of the State Government to exclude the qualification namely, Bachelor of Library and Information Science from the post of Librarian in a Public Sponsored Library having the status of Rural Library and hence, in view of which persons only having Bachelor of Library and Information Science could not apply to the said post.

3. Learned senior counsel appearing on behalf of the State submitted as follows. The petitioners having only Certificate in Library and Information Science with full knowledge about the procedure, method, criterion of essential qualifications prescribed for recruitment to the post of Librarian as mentioned in the Notification dated 15.03.2023 admittedly applied and participated in the recruitment process and thus, accepted the same without any demur or objection but on being unsuccessful, questioned the said Notification at a belated stage which was not permissible in law. Reliance was placed upon the decision in the case of *Rekha Sharma* reported in 2024

SCC Online SC 2109. It was held therein that the candidates who consciously took part in the process of selection could not be permitted to question the advertisement or the methodology adopted by the respondents for making selection, on their having been declared unsuccessful. They could not also question the result. The writ petition was also barred by the principle of estoppel and acquiescence. The petitioners had no locus standi to challenge the same selection process in which they participated and failed. In the matter of preparation of panel (Para 7 of Notification dated 15.03.2023) for recruitment to the post of Librarian, there was no discrimination in awarding marks for Academic and Professional Results for the candidates having both Bachelor Degree in Library and Information Science and the candidates having only Certificate in Library and Information Science. The allegation of discrimination thus fell flat. The Notification dated 15.03.2023 contained policy decision of the Government based on rational justification relating to method and qualification required for recruitment to the post of Librarian in the Sponsored Public Library so as to widen the scope to a large number of candidates with better qualifications, both Certificate in Library and Information Science and Bachelor of Library and Information Science. Reliance was placed upon the judgement in the case of State of Jharkhand vs Ashok Kumar Dangi & ors reported in (2011)13 SCC 383 (para 17 &18) holding that the State Government must have liberty and freedom in framing policy and judicial review or any direction in matters of policy was uncalled for. The decision in the case of Devesh Sharma Vs Union of India & ors reported in 2023 SCC Online 985

cited on behalf of the petitioners concerning appointment to the post of Primary Teachers dealt with a Notification dated 28.06.2018 which made B.Ed degree holders eligible for appointment. The Rajasthan Board of Secondary Education in an advertisement excluded B.Ed degree holders. This action was challenged. The fact situation of this decision was totally different from the fact situation of the instant petition. The cited decision on behalf of the petitioner had no application in this case. The petitioners had not made out any prima facie case. The petition was liable to be dismissed.

4. I heard the learned counsels for the parties and perused the writ petition, the affidavits and the written notes of submissions.

5. It is elementary that while construing a meaning of something, that thing is to be read in its entirety or as an organic whole.

6. From the notification in question, the qualification for direct recruitment was clearly laid down. At the top, there was a heading 'Essential' and below it, four numbers of broad conditions were laid down, enumerated as (i) to (iv).

7. In the first essential condition, it was provided that a candidate has to pass higher secondary examination and possess a pass certificate in Library and Information Science from any of the three named and in other training centres recognised by the Government of West Bengal. The third condition was basic knowledge in computer application and the fourth one was knowledge in Bengali or Nepali (for the hilly areas of Darjeeling and Kalimpong District).

8. If the above referred second condition is to be read as an additional condition to the first condition of having passed Higher Secondary Examination and obtaining such certificate, then it would have been meaningless to have the second condition mentioned there at all. Afterall, it is quite obvious that if a person passes Higher Secondary Examination and obtains such passed certificate in Library Information Science, one may apply for the post and he is not excluded from applying if he has any additional kind of degree or certificate as for example, the Bachelor degree in Library and Information Science. Thus, trying to portray the second condition as an additional one to the first one is absurd and belies any logic.

9. From a plain reading of the conditions it is quite clear that candidates with Bachelor Degree in Library and Information Science were also eligible to apply for the post on direct recruitment.

10. As has been mentioned earlier, upon reading the conditions as a whole, it appears that the third and the fourth conditions are absolutely necessary, ones which would be in addition to either the condition No.1 or the condition No.2.

11. That apart, it is settled law that the candidates who had consciously taken part in the process of selection could not be permitted to question the Notification or the recruitment process on their having been declared unsuccessful. On this, reliance is placed on the decision of the Hon'ble Apex Court in *Rekha Sharma (supra)*.

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

13. Accordingly, the same is dismissed, however, without any order as to costs.

14. Urgent certified copy of this order be supplied to the learned counsels for the parties upon compliance of usual formalities.

(Jay Sengupta, J.)