

10.03.2025
Ct. 23
D/L 10
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 20479 of 2024

**Sanjay Das Modak
-Vs-
The Union of India & Ors.**

Mr. Malay Bhattacharyya,
... for the petitioner

Mr. Hemonta Coomer Mitter
... for the Union of India

Mr. Biswabrata Basu Mallick,
Ms. Parna Roy Chowdhury
... for the State

Mr. Bishwambhar Jha,
Mr. Harshwardhan Kr. Jha,
Ms. Munmun Mishra
... for the respondent nos. 1, 3 & 4

The supplementary report in the form of an affidavit filed by the respondent nos. 1, 3 & 4 in Court today in terms of the order dated 18th February, 2025 is taken on record.

On a perusal of the said report, it appears that there are 52 vacancies under Other Backward Classes (OBC) category, which has remained unfilled. The petitioner had applied for his candidature to be considered in the declared vacancies of 'Constable (Driver)' under OBC category in the subject selection process. The respondents in the supplementary report

have also stated that they are willing to accommodate the petitioner against one of the unfilled vacancies on the petitioner having declared fit after medical examination conducted by the BSF Hospital, Kolkata in terms of the order passed by this Court upon finding that the petitioner was declared unfit in the Detailed Medical Examination (DME) and Review Medical Examination (RME). It is also stated in the said supplementary report that the cut off marks for general category is 30.250 while for OBC category is 25.250. The petitioner has secured 51.750 marks, i.e. much above the cut off marks fixed for OBC candidates and General Category. The petitioner, therefor, can also be considered as own merit candidate.

In the aforesaid facts and circumstances, since there are 52 vacancies in OBC category, the respondents and in particular the respondent no. 3 is directed to give appointment to the petitioner by issuing an appointment letter within a period of two weeks from the date of communication of a server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

(Arindam Mukherjee, J.)