

S/L 11
17.04.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
WPA 20115 of 2025

Kailash Belel

Vs.

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Ms. Srinjini Chakraborti
Mr. Arindam Shit

...for the Petitioners.

Mr. Swapan Kumar Datta, Ld. AGP
Mr. Dipankar Das Gupta

...for the State.

Ms. Tapati Samanta

...for the Respondent Nos.7-8.

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

The District Magistrate Hooghly 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 52 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 52 vacancies were reserved for OBC-B candidates and one vacancy was reserved for OBC-B (EC) candidates.

The petitioner had participated in the said selection process under the said OBC-B category.

On January 03, 2025, a panel of selected candidates and a panel of wait-listed candidates were published; the petitioner is a wait-listed candidate.

The petitioner is alleging that in the said selection test, the vacancy reserved for OBC-B (EC) candidates since has not been filled up, he is praying that the vacancy in the said category may be converted to the category of OBC-B.

Mr. Dasgupta, learned advocate for the petitioner, 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 Director, the Directorate of Library Services, Department of Mass Education, Extension and Library Services, the respondent no.4 herein should have converted the said vacancies, as prayed for by the petitioner.

Mr. Dutta, learned AGP and Ms. Samanta, learned advocate for the respondent nos.7&8 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 vacancy reserved for OBC (EC) 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 petitioner dated June 19, 2025 praying for such conversion is pending consideration before the respondent no.4.

As suggested by the State and the respondent no.8, the issue may be addressed by the respondent no.4, 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 20115 of 2025 is disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

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.)