

24.09.2025
Item No.08, DL
Court No.17
AJ.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 27263 of 2024

Rejaul Karim

-Vs-

The State of West Bengal & Ors.

Ms. Sinjini Chakraborti,
Mr. Arindam Shit.
... for the Petitioner.
Ms. Tapati Samanta.
... for the State.

Leave is granted to the learned Advocate-on-record for the petitioner to add the District Magistrate, Malda as party respondent no. 9 to the writ petition.

The said respondent no.9 being the Chairman of the Local Library Authority, by an advertisement dated May 29, 2023 had invited online applications from eligible candidates to fill up 29 vacancies in the post of Librarian of the sponsored public library under the control of Local Library Authority in the said district, 2(two) out of the said 29 vacancies were reserved for OBC-A candidates and one vacancy was reserved for OBC-A(EC) candidates.

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

On October 04, 2024, 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-A (EC) candidates since has not been filled up, the same may be converted into the category of OBC-A.

Ms. Chakraborti, 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 respondent

no.9 should convert the said vacancy, as prayed for by the petitioner.

Ms. Samanta, learned Advocate representing the State submits 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 A (EC) candidate could not be filled up for want of suitable candidate.

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.”

The petitioner is granted liberty to submit a comprehensive representation praying such conversion before the respondent no.9 within a period of two weeks from date. In the event, such representation is filed within the said time, the respondent no.9 shall consider the same in accordance with law particularly in the light of the aforementioned notification as expeditiously as possible.

WPA 27263 of 2024 is disposed of with the above observations 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.)