

24.09.2025
Item No.07, DL
Court No.17
AJ.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 27260 of 2024

Rupam Mandal

-Vs-

The State of West Bengal & Ors.

Ms. Sinjini Chakraborti,
Mr. Arindam Shit.
... for the Petitioner.

Mr. Swapan Kumar Datta, Ld. A.G.P.,
Mr. Dipankar Dasgupta.
... for the State.

Ms. Tapati Samanta.
...for the respondent no.4.

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.

Mr. Datta, learned Additional Government Pleader since is appearing, service of further notice to the added respondent is not necessary.

The 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, 4(four) out of the said 29 vacancies were reserved for SC candidates and one vacancy was reserved for SC(EC) candidates.

The petitioner had participated in the said selection process under the SC 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 SC (EC) candidates since has not been filled up, the same may be converted into the category of SC candidates.

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 District Magistrate and Chairman, Local Library Authority, Malda, the added respondent no.9 herein should convert the said vacancies, as prayed for by the petitioner.

Mr. Datta, learned Additional Government Pleader and Ms. Samanta, learned Advocate for the District Library Officer, the respondent no.4 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 vacancy reserved for SC (EC) candidate 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 October 21, 2024 praying for such conversion is pending consideration before the respondent no. 9.

As suggested by the State and the respondent no. 4, the issue may be addressed by the respondent no. 9, 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 27260 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.)