

17.04.2025
(D/L 19)
Ct.-17
(Susanta
Samar)

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

APPELLATE SIDE

W.P.A. 30111 of 2024

Sk. Rahamatulla

-Vs-

The State of West Bengal & Ors.

Mr. Swarup Banerjee,
Mr. Arinjay Pal,
Mr. Ranit Mukherjee,

.... For the Petitioner.

Mr. Sirsanya Bandopadhyay,

Sr. Standing Counsel.

Ms. Tapati Samanta,

.... For the State.

The District Magistrate, Paschim Bardhaman being the Chairman of the Local Library Authority of the district, by an advertisement dated May 31, 2023 had invited online applications from eligible candidates to fill up 23 vacancies in the post of librarian of the sponsored public libraries under the control of Local Library Authority in the said District.

Out of the said 23 vacancies, one was reserved for a person with physical disability.

The petitioner is orthopedically handicapped and had participated in the said selection process as such, but has been declared unsuccessful on the ground that he has failed to secure pass marks in the *Computer Application* test.

The learned advocate for the petitioner submits that basic knowledge in Computer Application was one of the essential qualifications for the said selection test but in the said advertisement, no pass marks was specified for said subject. The pass marks in the said subject, if any, was fixed at a stage when the selection process was over, which is not permissible under the law. He further submits that the petitioner was called and was provided with marks in the interview, which clearly indicates that

he had passed in the other tests including the *Computer Application* test; therefore, the authority should not have denied appointment to the petitioner.

Mr. Sirsanya Bandopadhyay, learned senior standing counsel on the other hand submits that much prior to the said advertisement, the Director of Library Services, Government of West Bengal, vide Memorandum bearing No. 471(24)/LS/6A/Lib-11/2023 dated May 02, 2023 had clarified that computer knowledge is an essential qualification as per the recruitment rules and the pass marks of the Board Examination, which is the qualifying academic standard, may be considered as the cut off marks for the Computer examination. In the *Computer Application* test, the petitioner has only scored 1.7 marks, which is much below the pass marks. He further submits that the advertisement though has not specifically mentioned the nature of disability, but the said post was reserved for the persons with disabilities of blindness and low vision. The petitioner being orthopedically disabled is otherwise not eligible to be considered against the said reserved vacancy; therefore, the candidature of the petitioner was rightly rejected.

Heard learned advocate for the parties, perused the materials-on-record.

The Director of Library Services, by the aforementioned memo dated May 02, 2023, had issued directives regarding recruitment of librarians in Government-sponsored rural libraries to all district magistrates of the state specifying the pass marks in *Computer Application* in the selection test for recruitment of librarians in such libraries. The petitioner has failed to secure the pass marks in the said subject.

Moreover, the Labour Department, Government of West Bengal by an Order bearing No. Labr/280/Emp
EMP/IM-2/16 dated 8th july, has identified the 12th vacancy in the “*Model 100-Point Roster of Vacancies*” as unreserved

for the person with disabilities of blindness and low vision. The post which the petitioner is aspiring for is a post reserved for a person suffering from such kind of disabilities. The advertisement though has not specified the nature of disability, the petitioner since is a person with orthopedic disability, is not entitled to be considered against the said vacancy.

In the backdrop as discussed, the rejection of the candidature of the petitioner in the said selection process is well justified.

W.P.A. 30111 of 2024 is dismissed 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 with all requisite formalities.

(Biswajit Basu, J.)