

27.04.2026  
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WPA 1054 of 2026

Yadav Sharma  
Vs.  
The State of West Bengal & Ors.

Mr. Anindya Bose  
Mr. Santanu Maji  
Mr. Subhayu Das  
Ms. Raina Das  
.... for the petitioner

Mr. Rajat Dutta  
Mr. Anirban Datta  
.... for the State

Mr. Biswaroop Bhattacharya  
Ms. Pramiti Bandopadhyay  
Mr. Arka Kumar Nag  
Mr. Rahul Kumar Singh  
..... for the WBCSSC

Ms. Koyeli Bhattacharyya  
Mr. Bibek Dutta  
Mr. Manas Bhattacharya  
..... for the WBBSE

1. The petitioner is a candidate, who had participated in the 2<sup>nd</sup> SLST examination. The subject applied for was Environmental Studies in Nepali Medium. The petitioner belongs to the unreserved category. This aforestated subject in the said language had only one seat which was kept for the Scheduled Caste category candidate.
2. It is the petitioner's case that there is no applicant in such Scheduled Caste category for such subject on account whereof, it would be proper to have the said

seat de-reserved and given to the unreserved category candidate.

3. Mr. Bose, learned Advocate appearing for the petitioner, submits that the seat could not be kept vacant and for the lack of any eligible candidate, the same should be de-reserved and made open to all candidates, similarly situated, as the petitioner.
4. Ms. Bhattacharyya, learned Advocate appearing for the Board, submits that a seat cannot be de-reserved for the unreserved category candidates. Appointment to the seat has to be made in terms of the 100 point roster which has been notified on June 13, 2025. In terms of such roster, a vacant seat will first be given to the Scheduled Caste candidate and then to the unreserved candidate and thereafter as specified in the model of 100 point roster of vacancies. She has also drawn the attention of this Court to the Notification No. Labr/110-Emp/EC/1M-01/2025 dated 13.06.2025 of the Labour Department in which the 100 point roster is contained particularly to Clause 9(a) and 9(b). These two establish that a reserved seat particularly in the nature of reservation for Scheduled Caste category, will have to be filled up by a candidate of the Scheduled Caste category itself which could emanate from the exempted category. In the event there is no Scheduled Caste category candidate available either from the regular course or

exempted Scheduled Caste category eligible for appointment to such a seat, the question of the petitioner getting an opportunity would arise.

5. I have heard the learned Advocates for the parties. It is true that the model 100 point roster of vacancies is specific and has to be followed to the teeth. Clause 9(a) and 9(b) are clear and unequivocal. Seeking de-reservation of a seat merely because a particular category of candidates are not available, is not a matter of right. It is for the appointing authority to de-reserve a particular seat and cannot be claimed as a right.
6. However, in the particular seat (Environmental Studies Nepali Medium), there is no eligible candidate as of now. In the event after considering all applications, there is no other eligible candidate found for appointment to the present seat i.e. Environmental Studies Nepali Medium, the appointment will be strictly in accordance with the Rule 9(b) of the Notification of June 13, 2025. As and when such appointment is made and process of appointment is initiated, the petitioner will be at liberty to participate in the same and be considered for appointment to such seat.
7. With the aforestated directions, the writ petition is, thus, disposed of.
8. There shall, however, be no order as to costs.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

**(Reetobroto Kumar Mitra, J.)**