



2025:CHC-JP:101-DB

25. 02.04.2025
Court No.1
(Tanmoy)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

**MAT 12 of 2025
Sri Sekhar Sarkar
-Versus-
State of West Bengal & Ors.
With
IA No: CAN/1/2025
With
IA No: CAN/2/2025**

Ms. Usha Maity (VC)
Mr. Haider Ali
Mr. Satyam Sarkar

...for the appellant/writ
petitioner.

Mr. Anirban Banerjee
Ms. Rima Sarkar

...for the State respondent.

Mr. Subhrangsu Panda (VC)
Ms. Ira Bhattacharya
Ms. Mithu Sinha

...for the respondent no.3/WBCSC.

Ms. Amrapali Chaki

...for the respondent nos. 5&6.

Dictated by Arijit Banerjee, J.

In Re: IA No: CAN/2/2025

1. Read order dated March 10, 2025.
2. No affidavit has been filed by Ms. Chakraborty, learned Counsel, pursuant to the liberty granted to her by the aforesaid order.
3. We find there is a delay of ninety seven (97) days in presenting the appeal, as per the noting of the Stamp Reporter. Causes shown being



sufficient, the delay is condoned. The application being IA No: CAN/2/2025 is accordingly disposed of.

In Re: MAT 12 of 2025
With
IA No: CAN/1/2025

4. This appeal is directed against a judgment and order dated October 1, 2024, whereby the appellant's writ petition being WPA 2054 of 2024, was in effect dismissed.
5. The appellant/writ petitioner says that he is a Person with Disability – PWD (A) category. He relies on Clause 4 of a Government Order dated July 8, 2019, issued in exercise of power under Section 34(1) of the Rights of Persons with Disabilities Act, 2016. Clause 4 reads as follows:-

“No curtailment of existing percentage of reservation for Scheduled Caste can be made in this regard. Hence, if no suitable SC candidate with benchmark disability is available for filling up of 32nd vacancy, then said vacancy will firstly be filled up by a SC candidate with other benchmark disabilities by interchange among the categories as mentioned in para 2, (a), (c) and (d) with explicit and prior permission of ‘appropriate Government’. If there is no person with disability available for the relevant vacancy in that year, the employer, then only, shall fill up the vacancy by appointment of a SC person without any disability with approval of the ‘appropriate Government’.”



6. Learned Counsel for the appellant says that there is a vacancy in PWD (A) category because of non-joining of one of the merit listed candidates. The aforesaid Government Order entitles him to be appointed in that vacancy.
7. Learned Advocate for the West Bengal College Service Commission (WBCSC) seeks a day's accommodation.
8. List this matter once again on April 4, 2025, retaining its position.

(Arijit Banerjee, J.)

(Biswaroop Chowdhury, J.)