

OD -1

WPO/414/2025  
IA No.GA/1/2025

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
ORIGINAL SIDE

ARIJIT DAS AND ORS.

-VERSUS-

THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE KAUSIK CHANDA

Date: 19<sup>th</sup> June, 2025

Appearance:

*Mr. Raghunath Chakraborty, Adv.*

*Ms. Tanushree Das, Adv.*

*Ms. Amrita De, Adv.*

*...for the petitioner.*

*Mr. Alak Kumar Ghosh, Adv.*

*Ms. Piyali Sengupta, Adv.*

*...for the KMC.*

*Ms. Sonal Sinha, Adv.*

*Ms. Shabnam Farooqui, Adv.*

*...for the State.*

*Ms. Koyeli Bhattacharyya, Adv.*

*...for the Municipal Service Commissioner.*

*Mr. Dhaval Jain*

*..Municipal Commissioner (V.C)*

*Mr. Rajat Kumar Bose*

*Chairman (W.B.M.S.C) (V.C)*

The Court: In compliance with the order dated June 18, 2025, the Commissioner of the Kolkata Municipal Corporation and the Chairman of the West Bengal Municipal Service Commission are present before this Court via online mode.

It is submitted on behalf of the West Bengal Municipal Service Commission that by a notification dated June 18, 2025, recruitment process for the post of Sub-Assistant Engineers has already been stalled.

Although both these branches of the State have leveled allegations against each other regarding non-compliance with the order dated May 22, 2024, passed in WPO/60/2011 (Amal Chandra Das vs. The State of West Bengal and Others) in undertaking the recruitments for the posts of Sub-Assistant Engineers for the Kolkata Municipal Corporation, it appears that there exists some communication gap concerning the manner and mode of implementation of the said judgment.

This issue has already been clarified by this Court by an order dated May 21, 2025, passed in WPA/9132/2025 (Supriya Mondal & Ors. vs. The State of West Bengal and Ors.). Accordingly, there ought to be no ambiguity as to the proper method of implementing the Division Bench's order dated May 22, 2024. The relevant directions are once again reiterated as follows:

(a) The State is mandated to apply the O.B.C. reservation policy solely to the 66 classes included in the list of backward classes notified by the Backward Classes Department of the State prior to 2010.

(b) The extent of reservation for O.B.C. candidates shall be limited to 7%, in accordance with Notification No. 1056-BCW/EC/MR-302/97 dated November 6, 1997.

(c) The said reservation policy must be implemented in accordance with the 100-point roster system introduced by Notification

No. 240-EMP/1M-5/2000 dated August 2, 2001, issued by the Labour Department, Government of West Bengal.

It is further clarified that vacancies reserved for O.B.C. candidates shall be determined in accordance with the said 100-point roster referenced and additionally, reservations for Economically Weaker Sections (EWS) must also be implemented in accordance with the applicable government rules and regulations.

There should be no difficulty in identifying candidates eligible for O.B.C. reservation in accordance with the Division Bench's judgment. Even certificates issued after 2010 continue to mention the caste of the candidate. If a candidate's caste is included in the list of backward classes notified by the State's Backward Classes Department prior to 2010, such a candidate shall be entitled to the benefits of O.B.C. reservation.

Consequently, the Kolkata Municipal Corporation is directed to obtain approval from the Department of Urban Development and Municipal Affairs prior to proceeding with future recruitment processes in accordance with the directions set forth in this judgment regarding O.B.C. reservation.

It has been submitted before this Court that, with respect to the recruitment of Sub-Assistant Engineers, the Corporation shall immediately seek fresh approval from the State to carry out recruitment in terms of this order. The Department of Urban Development and Municipal Affairs is directed to grant its approval within seven days from the date of receipt of such requisition from the Kolkata Municipal Corporation.

Thereafter, within seven days the recruitment process shall proceed in accordance with the Division Bench's judgment as clarified in this order by the West Bengal Municipal Service Commission.

Let an affidavit-in-opposition to the writ petition be filed within three weeks from today; any reply thereto may be filed within one week thereafter. This matter is to be listed after four weeks under the heading "For Hearing."

(KAUSIK CHANDA, J.)