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Ct. No. 18 vs Ab The State Of West Bengal And Others on 13 October, 2026

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Calcutta High Court (Appellete Side)

Ct. No. 18 vs Ab The State Of West Bengal And Others on 13 October, 2026

22 13.10.2026 WPA 26656 of 2026

Aslam Hossain and another

Ct. No. 18

Vs.

Ab The State of West Bengal and others.

Mr. Samim Ahammed,
Mr. Arka Maiti,
Ms. Gulsanwara Pervin.

... for the petitioners.

Mr. Pulakesh Bajpayee,
Mr. Subit Majumdar.

... for the State.

1. The petitioners are aggrieved that they may not be considered for recruitment in the post of Laboratory Assistant.

2. The basis of this apprehension seems to be a notification dated August 7, 2026 being no. 1060/Secy/BCW/7P-63/2024 issued by the Government of West Bengal.

3. The petitioners have been successful under the reserved category of OBC(A). However, during progression of the recruitment process, a Hon'ble Division Bench of this Court in WPO 60 of 2011 along with other matters had struck down the enlisted 179 classes in the State List of other backward classes (OBC), which have been included from time to time.

4. Though an appeal had been preferred before the Hon'ble Supreme Court of India, the said appeal has been withdrawn sometime in May 2026.

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5. The notification impugned in this writ petition has made it amply clear, taking a leaf from the judgment of the Hon'ble Division Bench that the services of

citizens from 77 classes and 37 classes (added in exercise of Section 16) struck down, who were already in service of the State, or have already availed the benefit of reservation or have succeeded in any selection process in the State, shall not be affected by the reason of this judgment.

6. The petitioners having availed of the benefit of their reserved category by getting recommendation to the said post and being considered for medical examination are thus, beyond the domain of the impugned notification.

7. The second limb of the petitioners' grievance is that their candidature though approved, they have been kept waiting since July 2025 for the purpose of medical examination. Undeniably, the wait has been rather long, in excess of one year now.

8. The State Authorities are directed to expedite the medical examination process of the petitioners.

9. There is, however, no question of stay or setting aside the impugned notification as the petitioners cannot be aggrieved by the same, since they were not covered under the same.

10. The writ petition is, thus, partially allowed to the extent to expedite the medical examination of the

petitioners but stands rejected insofar as challenging the impugned notification is concerned.

11. With the afore-stated directions, the writ petition is disposed of.

12. There shall, however, be no order as to costs.

13. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)

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