

GOVERNMENT OF WEST BENGAL
LABOUR DEPARTMENT
EMPLOYMENT CELL
Writers' Buildings, Kolkata-700001

No. 101-EMP

Dated, Kolkata, the 25th July, 2008.

MEMORANDUM

The West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999 (West Bengal Act XIV of 1999) provides for the regulation of recruitment in such establishments in West Bengal, wherein it became mandatory for the appointing authorities to fill up all vacancies by persons sponsored by Employment Exchange.

Meanwhile, the appointing authorities in such establishments have been approaching the Labour Department for clarification on procedures to be followed as the Hon'ble Supreme Court in its judgement in the Appeal case Civil Appeals Nos. 11646-11724 of 1996 L [Excise Superintendent, Malkapatnam, Krishna Dist. (A.P.) vs, K.B.N. Viswehwara Rao and others] as reported in 1996(6) SCC 216 dated August 22, 1996, upheld the contention of the respondents and the appointing authority was directed to give wide publicity of the vacancies in the newspapers having wider circulation and to display on the office notice boards or announce on radio, television and employment news bulletins so as to extend the opportunity of appointment to persons who are eligible but not sponsored by the Employment Exchanges, in addition to the persons sponsored by Employment Exchanges following rules of seniority and reservation. Hon'ble High Court, Calcutta in W.P. 6703(W) of 2002 (Tariff Hossain vs. State of West Bengal and Ors.) also passed an order dated October 9, 2002 to the effect that employment opportunities should not be restricted to the candidates only from the source of Employment Exchanges and the relevant section of the said Act is required to be amended at the earliest but till such time, the recruitment from Employment Exchange as well as by wide publication of notice in the newspapers will be followed.

In compliance with the above stated judgements of the Hon'ble Supreme Court and the Hon'ble High Court, Calcutta, the State Government has decided that, henceforth, all appointing authorities in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities shall, in addition to obtaining names from Employment Exchanges, give wide publicity of the vacancies in the newspapers having wider circulation and also display the vacancies on the office notice boards in such a manner as to ensure reasonable opportunity of response from the eligible candidates for due consideration of their candidature in the recruitment process.

This procedure shall be followed until further orders.

Sd/- **AMIT KIRAN DEB**
Chief Secretary
Government of West Bengal