

01.07.2026
Sl. No.11 (S/L)
Ct. No.14
gd

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA/14698/2026
YASIN CHOWDHURY
VS
STATE OF WEST BENGAL AND ORS.**

Ms. Jhuma Sen
Mr. Yuvraj Chatterjee
Mr. Samsul Laskar

...for the Petitioner.

Mr. Brijendra Pratap Singh
Mr. Asit Kumar De

...for the State.

Mr. Subhrangsu Panda
Ms. Ina Bhattacharyya
Ms. Mithu Singha Mahapatra
...for West Bengal College Service Commission.

1. Ms. Jhuma Sen, learned advocate representing the petitioners submits that the writ petitioner applied for the post of Assistant Professor pursuant to a notification dated 26th February, 2026 as OBC-A candidate. However, in the midway the State Government has issued notification being no.945-BCW/MR-23/2026 dated 18th May, 2026 wherein the petitioner's caste has not been included under OBC-A Category. The West Bengal College Service Commission has issued notification dated 12th June, 2026 asking the candidates to correct their category as per the Government Order dated 18th May, 2026 and giving a rider that failure to provide the correct category information may result in cancellation or rejection of the application. Since the Government Order dated

18th May, 2026 does not include the petitioner under OBC-A Category. As per the eligibility criteria, for General Category, the candidate should have 55% marks in the Masters examination. The petitioner is having 52% marks. If the petitioner is considered under OBC-A Category, he will be eligible since 5% relaxation in marks has been given to OBC-A Category under the eligibility criteria. The order of the Hon'ble Division Bench which has been considered in issuing the Government Order dated 18th May, 2026 has been challenged before the Hon'ble Supreme Court and pursuant to order of the Hon'ble Supreme Court an exercise has been undertaken to classify the categories under the OBC Head which has been published by notification being No.1057-BCW/MR-38/2025 dated 27th May, 2025 and such notification includes the petitioner under OBC-A category. Though such notification was stayed by the Hon'ble Division Bench, however, the Hon'ble Supreme Court has stayed such order of the Hon'ble Division Bench. Therefore, as of now the notification dated 27th May, 2025 is very much in existence. She also indicates that the rule of the game cannot be changed midway relying on the decision of the Hon'ble Supreme Court passed in ***Tej Prakash Pathak and Others v. Rajasthan High Court and Others*** reported in ***(2025) 2 SCC 1*** and ***Prabhjot Kaur v. State of Punjab and Others*** reported in ***2025 SCC Online SC 761***.

2. On the contrary Mr. Subhrangsu Panda, learned advocate representing respondent no.4, West Bengal College Service Commission at the outset submits that the writ petition is not maintainable under Group-II. The petitioner has challenged the notification nos.944-BCW/MR-23/2026 & 945-BCW/MR-23/2026 both dated 18th May, 2026 and as such, it should come under Group-IX. He also indicates that the West Bengal College Service Commission has to implement the directives and the orders passed by the Government. Therefore, with the change in the classification of OBC Category, the College Service Commission issued the notification which has been challenged in the present writ petition. The notification issued by the College Service Commission is inconsonance with the Government Orders.
3. Learned advocate representing the State seeks a week accommodation on behalf of the Government Pleader.
4. In view of the accommodation sought for by the State-respondent, since today is the last date of the editing i.e. 1st July, 2026, Mr. Panda, learned advocate for the Commission was asked to take instruction regarding issuance of a corrigendum extending the date of editing. It is informed by Mr. Panda that such corrigendum can be issued.
5. Accordingly, list this matter on **7th July, 2026** at **12.30 pm** in the Supplementary List.

6. College Service Commission is directed to issue corrigendum, in the meantime, extending the date of editing till 8th July, 2026.

(Bivas Pattanayak, J.)