

10.12.2025
Court No.25
D/L No.17
S. Gayen

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

WPA 24793 of 2025

**Supravat Mahanta
Versus
The State of West Bengal & Ors.**

Mr. Samim Ahmed
Mr. Arka Ranjan Bhattacharya
Ms. Gulsanwara Pervin
Ms. Reshma Khatun

...for the Petitioner

Mr. Mir Anuruzzaman

...for the State

Mr. Arka Kumar Nag
Mr. Rahul Kumar Singh

...for the WBCSSC

1. The petitioner has filed the present writ application praying for a direction upon the Sub-Divisional Officer, Malda Sadar to forthwith process and dispose of the petitioner's application submitted on 4th July, 2025 for grant of certificate under the category of Economically Weaker Section (EWS) for the financial year 2025-2026.
2. Learned counsel appearing for the petitioner submits that for the financial year 2020-2021, the Sub-Divisional Officer, Malda Sadar has issued the certificate to the petitioner under the EWS category. Subsequently on 15th October, 2022 the authorities have issued the certificate for the category of Other

Backward Classes (OBC) to the petitioner. He submits that in the mean time the West Bengal School Service Commission has issued a notification for recruitment of teachers. The petitioner on 4th July, 2025 had applied for grant of certificate under the EWS category. On 10th July, 2025, the petitioner has submitted an application for appearing in the recruitment process for the post of Assistant Teachers in the Secondary and the Senior Secondary School under EWS category.

3. Learned counsel for the petitioner submits that the petitioner has applied for the EWS certificate but the authorities have not issued the EWS certificate. He submits that though the petitioner is having the OBC certificate but the petitioner is ready and willing to forgo the benefit of the OBC certificate in future if the EWS certificate is granted to the petitioner.
4. This Court has called for a report from the respondent No.5, i.e. the West Bengal Central School Service Commission with regard to the status of the recruitment process of Assistant Teacher in the Secondary and Senior Secondary level. The authorities have submitted the report wherein it reveals that as per Clause 11 of the recruitment notification dated 30th May, 2025, it is clearly stated that for consideration of belonging to reserved categories, the certificate issued by the competent authorities only the Government of West Bengal on or before the last date receiving online

application shall be treated as valid. He submits that when the petitioner has applied for the post of Assistant Teacher, the petitioner was having the OBC certificate and not EWS certificate. The candidature of the petitioner cannot be taken into consideration as EWS category. He further submits that the petitioner has not disclosed in the present writ application whether the petitioner has taken any benefit with regard to the OBC certificate granted to the petitioner in the mean time. From the report it is also found for the class IX-X and XI-XII written examination has also over, result has also declared and preliminary interview is under process.

5. Learned counsel for the respondents has relied upon an unreported judgment in the case of Tanmoy Maity vs. The State of West Bengal & Ors. in WPA 26420 of 2025 dated 26th November, 2025, wherein in the similar circumstances, the Coordinate Bench of this Court has dismissed the writ application on the ground that at this stage allowing the prayer of the petitioner for updating his reservation certificate may amount to unsettling interview list prepared by the Commission.
6. Learned counsel for the petitioner submits that the facts of the case relied by the respondents is distinguishable from the facts of the present case. He submits that in the present case, before submitting an application for appearing in the recruitment process in

Class IX-X and XI-XII, the petitioner has already applied for EWS certificate on 4th July, 2025 and the petitioner has filed an application on 10th July 2025 and the petitioner has appeared in the examination. He submits that if the authorities consider for grant of EWS certificate, the EWS certificate will be issued to the petitioner for the financial year 2025-2026 which covers the date of receipt of application of the petitioner, thus the petitioner can be treated as EWS category.

7. Heard the learned counsel for the respective parties and perused the materials on record. This Court finds that initially in the financial year 2020-2021 the petitioner has obtained EWS certificate from the concerned authority but subsequently in the 2022 the petitioner has obtained OBC certificate instead of EWS certificate. Before filing the application for appearing in the recruitment process, the petitioner has applied for EWS certificate and now before this Court the petitioner has undertaken that the petitioner will not claim any benefit under OBC category if the certificate is issued under the EWS certificate.
8. This Court finds that the examination has already been completed and the interview process is going on. The Coordinate Bench of this Court has already passed an order holding that at this stage if the prayer of the petitioner for updating the reservation certificate is

allowed, the same will amount to unsettling the interview list prepared by the Commission.

9. Considering the above, this Court finds that, at this stage, no relief can be granted to the petitioner.
10. Accordingly, WPA 24793 of 2025 is dismissed.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
12. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)