

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri  
Appellate Side**

**WPA 1063 of 2023**

**Smt. Aparna Ghosh  
versus  
The State of West Bengal & Ors.**

Ms. Suman Sehanabis (Mandal),  
Mr. Salok Sah  
... for the petitioner.

Mr. Bikramaditya Ghosh,  
Mr. Pretom Das  
...for the State.

Affidavit of service filed in Court today be kept with the records.

The dispute being the subject matter of this writ petition is the recognition of the other Backward Classes (OBC) certificate issued to the petitioner by the competent authority in Assam where the petitioner was residing prior to her marriage. The petitioner presently resides in West Bengal. The petitioner was selected as an Anganwadi Worker, but her appointment was subsequently cancelled on the ground that the OBC certificate which the petitioner holds is not valid in West Bengal. The petitioner says that as per the notification issued by the Government of India, the community wherein the petitioner belongs is OBC in Assam as also in West Bengal and as such, no discrimination can be made on the ground that the

same was issued from Assam. The petitioner also says that her fundamental rights are infringed preventing her from applying for and getting employment in the State of West Bengal on the basis of the OBC certificate issued in Assam.

On behalf of the State, it is submitted that the OBC certificate issued by the Assam Government is not automatically valid and an accepted document in the State of West Bengal after 1997. The petitioner had migrated from Assam in 1997 after her marriage. The petitioner, therefore, has to apply to the competent authority in West Bengal to have the OBC certificate reissued after due compliance with the legal requirements and formalities.

The State respondents also say that the marks obtained by the petitioner does not warrant the petitioner to be considered for the appointment under the unreserved category.

Considering the respective submissions, I direct the State respondents to file a report in the form of an affidavit disclosing the details which have been submitted in Court today along with supporting documents.

Let the report be filed by 19<sup>th</sup> May, 2023.

The petitioner shall be free to take exception to the same, which should be filed by 6<sup>th</sup> June, 2023.

Let this matter appear before the next Circuit, subject to its convenience on 8<sup>th</sup> June, 2023.

The termination of the petitioner's engagement on the ground of an alleged invalid OBC certificate only, shall abide by the result of the writ petition.

All parties shall act on a server copy of this order duly downloaded from the official website of this Court without insisting upon production of certified copy thereof.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of usual formalities.

**(Arindam Mukherjee, J.)**