

*D/L- 28
20/07/2026
Ct. No.-10
Aritra*

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

WPA 775 of 2026

**Marjina Bibi
Vs.
The State of West Bengal & Ors.**

Mr. Subhasish Misra
Mr. Satyajit Paul
Mr. Rounak Ghosh

....for the petitioner

Ms. Supriya Singh
Ms. Radhika Agarwal

....for the State

Affidavit of service filed in Court today is taken on record.

The petitioner has approached this Court praying for issuance of a writ of mandamus directing the Additional District Magistrate, Development Section, Cooch Behar, being the respondent no.2 to issue Economically Weaker Section Certificate (hereinafter referred to as the "EWS Certificate") in favour of the petitioner.

The learned advocate appearing for the petitioner submits that in spite of the fact that the Prodhan of the area where her parents reside as well as the area where her matrimonial home is situated has issued certificates in favour of the petitioner stating that the petitioner belongs to General Category and also that the petitioner has satisfied all requisite pre-conditions

for being issued with a EWS Certificate, such certificate has not been issued to the petitioner till date.

The learned advocate appearing for the petitioner places reliance upon the certificates issued by the Prodhan, which is annexed at page 33 and 34 of the writ petition, in support of his contention that the petitioner belongs to General Category.

From the enquiry report of the Enquiry Officer being the Inspector of Backward Classes Welfare Department in connection with the application submitted by the petitioner with regard to sub-caste and asset details of the parents of the petitioner which is annexed at page 57 of the writ petition, it appears that as per available information received from the senior local people, it was learnt that the petitioner, her father and ancestors belong to “Nashya-Sekh” community which is categorized as OBC-A.

In the certificate issued by the Prodhan of the Deocharai Gram Panchayat i.e., the Jurisdictional Panchayat of the matrimonial home of the petitioner, it has been stated that the petitioner belongs to General Category. The said certificate, however, does not disclose the foundational basis for arriving at a conclusion that the petitioner belongs to General Category.

However, the certificate issued by the Prodhan of Barokodali-I Gram Panchayat, wherein the parents of

the petitioner resides, states that the petitioner belongs to OBC community under sub-caste General. This Court fails to understand as to how a person can be said to belong to General Category and OBC at the same time.

For such reason, this Court is not inclined to rely upon the certificate issued by the Panchayat Prodhan.

No material has been produced by the petitioner before this Court to controvert the enquiry report, which is appearing at page 57 of the writ petition wherein it has been specifically stated that the petitioner, her father and ancestors belong to “Nashya-Sekh” community which is categorized as OBC-A.

Faced with such situation, the learned advocate appearing for the petitioner submits that a liberty be given to the petitioner to produce relevant materials before the concerned authority in support of the caste and sub-caste of the petitioner before the appropriate authority.

Heard the learned advocate for the State on such submission.

WPA 775 of 2026 stands disposed of by giving liberty to the petitioner to produce relevant materials in support of her claim that she belongs to EWS Category as well as the caste and sub-caste of the petitioner before the concerned authority. If such materials are produced, the Additional District

Magistrate, Development Section, Cooch Behar, being the respondent no.2 shall consider the same and process the application of the petitioner as expeditiously as possible.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)