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***CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
(Via Video Conference)***

W.P.A. 314 OF 2021

Saurav Saha

-vs.-

The Union of India & Ors.

Mr. Jagriti Mishra
Mr. Subham Gupta
Mr. Debayan Goswami.

....For the Petitioner

Mr. Sudipta Kr. Mazumder
Mr. Kallol Ghosh.

....For the UOI

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by a cancellation letter of the application made by the petitioner. The reason for cancellation is that the certificate, to be provided by the petitioner indicating his O.B.C.(Non Creamy Layer) status, was filed by the petitioner in a format that was not as per the format prescribed under the rules.

2. Furthermore, the certificate provided by the petitioner had been issued by a Judicial Magistrate, who is not one of the authorities competent to issue the Caste Certificate as per the rules.

3. The petitioner contends that the Judicial Magistrate is a competent person to certify the Caste

Certificate and accordingly, his cancellation is illegal and against the principles established in law.

4. Counsel on behalf of the respondents submits that the OBC (NCL) certificate format clearly prescribes the authorities who are competent to issue the Caste Certificate and no exception can be made to the same. Furthermore, it is submitted that the entire process of selection is completed and the students have already started attending their classes.

5. Counsel on behalf of the respondents also submits that this writ petition is filed without jurisdiction as the institution is located in Durgapur and the cancellation has been done by the Durgapur Central Selection Board that is situated in Allahabad.

6. According to the respondents, this writ petition should have been filed in the State of U.P. as the cause of action has arisen from that State.

7. I have heard counsel appearing for the parties and perused the materials on record. With regard to the preliminary objection of maintainability of the writ petition, I am not in agreement with the arguments placed by the respondents as I find that the petitioner is a resident of Jalpaiguri and has received the cancellation letter through internet in

the District of Jalpaiguri. Online examinations were also taken by the petitioner within this jurisdiction. Accordingly, a part of cause of action has arisen within the jurisdiction and accordingly this writ petition is maintainable.

8. However, with regard to the merits, I am unable to provide any relief to the petitioner as the petitioner has not complied with the rules and regulations. Owing to such a non-compliance, the respondents have rejected his OBC (NCL) certificate and directed him to be considered in the 'General-Neutral Pool' with the rank of 163516.

9. It is to be noted that rules and regulations are present not just for administrative convenience but also to ensure that a uniform system is in place. Even if the factum of the petitioner being under the category of OBC (NCL) is correct, the format under the rules is required to be followed by the petitioner as others are also doing the same. Making an exception for the petitioner would tantamount to being unfair to the other candidates who are taking part in the process. It is to be further noted that seats have been allocated to students who have started their education. These seats are limited in number and this fact is known to the petitioner and all other candidates who sit for in this examination.

In light of the same, no relief can be granted to the petitioner at this stage.

10. In light of the above observation, this writ petition is dismissed. There will be no order as to costs.

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

(Shekhar B. Saraf, J.)