

Item No.21

15.02.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 1936 of 2021
Suparna Singh @ Suparna Singha
v.
The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
... for the petitioner.

Mr. Ranjan Saha
... for the State.

Mr. Ratul Biswas
... for the Board.

The petitioner participated in the recruitment process of primary teachers. She, however, was not permitted to appear in the interview held on January 10, 2021 allegedly on the ground that she did not possess the valid caste certificate on the day the interview took place.

The petitioner submits that she belongs to the OBC-B category. She possessed a certificate for Backward Classes issued in her favour by the Sub-Divisional Officer, Sadar, Howrah on October 20, 2003 wherein she has been categorized in the 'Kapali community' which is recognized as Backward Class.

The Backward Classes Welfare Department, Government of West Bengal published a notification

being No. 6309-BCW/MR-84/10 dated September 24, 2010 wherein it was mentioned that the Government conducted a sample survey to ascertain the relative backwardness of the classes included in the lists of backward classes and on consideration of the report of the said survey the Governor was pleased to categorize the lists of the backward classes notified for the purpose of the West Bengal Commission for Backward Classes Act, 1993 into two categories as Category-A and Category-B.

The petitioner's community 'Kapali' falls within Category-B, which is the "Backward Class" within the "Backward Classes".

The notification clearly mentioned that the Governor was pleased to decide henceforth any class included in the lists of Other Backward Classes in the State of West Bengal shall be added either to the Category-A or to the Category-B depending on its degree of backwardness.

The petitioner, instead of updating the caste certificate issued in her favour in the year 2003, relied upon the old certificate at the time of interview.

According to the petitioner, she was not required to obtain a fresh certificate as the class in which she belongs was categorized in the list of OBC-B and the respondent authorities ought to have relied upon the

State Government notification and considered her candidature in the OBC-B category.

The notification for recruitment of primary teachers dated December 23, 2020 pursuant to which the petitioner made the application clearly mentioned that the reservation quota for the candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes (OBC-A and OBC-B), Exempted Categories, Ex-Servicemen and for Physically Handicapped candidates shall be maintained as per the existing reservation rules framed by the competent authority.

Relaxation was permissible in respect of the reserved category candidates. It was clearly mentioned that candidates belonging to the reserved categories shall be allowed relaxation in the qualifying marks. In respect of the category Other Backward Classes it was clearly mentioned OBC-A and OBC-B.

The petitioner did not possess a valid caste certificate either in the OBC-A or OBC-B category either on the date of making the application or on the date of the interview. She was unable to produce any document to show in which category under the other backward classes she belongs to.

The petitioner is trying to shift the burden upon the respondent authorities by relying upon the

Notification dated September 24, 2010 wherein her caste has been listed in category B.

It is practically impossible for the respondents to verify each and every caste certificate to ascertain whether a candidate belongs to A category or B category under the other backward classes. It was for the candidate concerned to produce a valid document in support of her caste to avail the benefit of reservation. As the petitioner did not possess a valid caste certificate in support of her claim for reservation, accordingly, the benefit of reservation could not have been granted to the petitioner.

It is true that the category of an individual does not change upon issuance of the certificate and she remains in the same category from her birth, but at the same time, for the purpose of availing the benefit of reservation, the candidate ought to have produced a valid updated certificate to get the said benefit.

In view of the above, no relief can be given to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

The petitioner has annexed to the writ petition her updated caste certificate wherein it has been endorsed that she belongs to Category-B under the Other Backward Classes and the said endorsement was made

on January 12, 2021 after her date of interview held on January 10, 2021.

The petitioner has averred in the writ petition that immediately on January 13, 2021 she went to the office of the Board along with the updated caste certificate but the officials of the Board refused to accept the same.

As it appears that the petitioner has already updated her caste certificate, accordingly, it will be open for the Secretary of the West Bengal Board Primary Education to take into consideration the caste certificate relied upon by the petitioner, if the process of selection is not yet over.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)