

22-02-2022
ct no. 13
Sl.12
pk

WPA 1748 of 2022

**Md. Sohail Sekh
Versus
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Sourajit Dasgupta,
Mr. Soumya Nag
...for the petitioner

Mr. Raja Saha,
Mr. S. P. Lahiri
...for the State.

The writ petitioner belongs to the OBC community as per the list declared by the Government of West Bengal. The petitioner is also under More Backward Category (Category-A), against serial no. 66 for belonging to the Sekh/Seikh community.

The respondent no. 2 on 13.08.2020 and 01.12.2021 declared that the annual income of the petitioner's family was Rs.3,10,246/- and Rs.4,68,468/- respectively. However, the petitioner has not been given asset declaration certificate by the Block Land and Land Reforms Officer despite repeated requests.

For the absence of the aforesaid certificate, the petitioner could not obtain Economically Weaker Section (EWS) Certificate from the concerned BDO.

Given the fact that the petitioner's income is Rs.4,68,468/-, as declared by the BDO himself, it appears, *prima facie*, that he belongs to the Economically Weaker Section of the society.

However, for want of asset declaration certificate, the petitioner could not get his EWS certificate and therefore became ineligible to sit for the UPSC Examination being conducted for the year 2020-2022 in that category. The last date for submission of aforesaid application is today.

The Block Land and Land Reforms Officer, Beldanga-II, Murshidabad shall immediately upon receipt of a copy of this order dispose of the petitioner's application dated 20.12.2021.

If the petitioner is eligible in terms of the certificate that may be provided by the Block Land and Land Reforms Officer, Beldanga-II, Murshidabad, he shall immediately approach the respondent no. 2, S.D.O., Berhampur Sadar thereafter for EWS Certificate. The said application shall also be disposed of as expeditiously.

In the peculiar facts and circumstances of the case, this Court is of the view that the petitioner should be allowed to put his application, as one belonging to the EWS category, strictly without prejudice to anybody's rights and contentions under the law.

The petitioner's application shall be accepted as a special case and he should be allowed

to sit in the examination. Participation in such examination shall be subject to production of the EWS certificate before the UPSC Authorities.

It is made absolutely clear that in the event the petitioner is unable to produce such certificate, the UPSC Authorities shall not be obliged to scrutinise the petitioner's answer paper and even if scrutinised, the same would become redundant and shall stand rejected.

With the aforesaid observations, the writ petition is disposed of.

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.

(Rajasekhar Mantha, J.)