

05. 09. 2022

BP
Sl. 2
Court No. 17

WPA 13826 of 2018

Barnali Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Samim ul Bari
Mr. Arindom Roy
..for the petitioner

Mr. Ranjan Saha
..for the State

Md. Sarwar Jahan
Sk. Nayeemul Haque
..for DPSC, Murshidabad

The petitioner has challenged the reasoned and speaking order passed by the Chairman, District Primary School Council, Murshidabad which I have perused.

On perusal it is found that she did not have any NCC certificate which she could produce. She produced one general diary entry made by her husband in the nearest local police station. She secured total 44.5687 marks which has been given in a chart. When she applied for the post in the year 2009, she did not have Other Backward Classes category certificate. She got OBC certificate on 10th May, 2012 which appears from Annexure P-2 of the writ application (at page 45). As the OBC concept is a new concept in the Indian society, it

cannot be said that she can get advantage like Scheduled Castes and Scheduled Tribes candidate. The Other Backward Classes case cannot be equated with Scheduled Castes or Scheduled Tribes because Other Backward Classes is a new concept which was declared as policy by the Government in the year 1991-92. Before 1991-92 there was no concept of OBC in the State policy. The petitioner was declared as a member of OBC on 10.05.2012.

Therefore, I cannot consider the petitioner as an OBC at the time when she appeared in the examination on 29.11.2009 and she could not produce any NCC certificate and, therefore, I do not find any illegality in the reasoned order passed by the Chairman of the Murshidabad District Primary School Council dated 02.05.2017. In the said order it has been categorically mentioned that the last empanelled candidate got marks 45.5944 whereas the petitioner obtained 44.5687 marks i.e. less than the last empanelled candidate. As the petitioner got marks below the last empanelled candidate, this court does not find any merit in this writ application and the same is dismissed without any costs.

(Abhijit Gangopadhyay, J.)

