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05.01.2022.
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 16724 of 2021
IA No. CAN 1 of 2021
(Via Video Conference)**

**Miss Kiran Marandi
-versus
The State of West Bengal & Ors.**

**Mr. Pradip Paul.
...For the Petitioner.**

**Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya.
...For DPSC.**

**Mr. Ratul Biswas.
...For the Board.**

The petitioner participated in the TET examination 2014 in the reserved category. Being successful in the said examination, the petitioner was appointed on temporary basis by the North 24 Parganas District Primary School Council by an Office Memorandum dated 5th February, 2017.

The appointment of the petitioner was thereafter withdrawn and cancelled by a memo of the Chairman, District Primary School Council, North 24- Parganas dated 17th February, 2017 on the ground that the Scheduled Tribe Certificate relied upon by the petitioner was issued by the State of Jharkhand and the said certificate was not received in the revised form by the State of West Bengal.

After getting the order of cancellation of the letter of appointment, the petitioner applied for obtaining the caste certificate in the State of West Bengal. The Caste/Tribe certificate was issued in favour of the petitioner on 29th December, 2020.

The petitioner submits that as the Tribe in which the petitioner belongs is enlisted in the reserved category both in the State of Jharkhand as well as in the State of West Bengal, the District Primary School Council ought to revoke the said order of cancellation of the letter of appointment and issue fresh appointment letter in her favour relying upon the Caste/Tribe certificate issued in her favour by the State of West Bengal.

The petitioner contends that the certificate was received by her long after the application was made for issuance of the same and she was no way responsible for the delay in issuance of the said certificate.

The petitioner relies upon judgments passed by the Hon'ble Supreme Court as well as by this Court in support of her case.

The learned advocate appearing for the respondents opposes the prayer of the petitioner. It has been submitted that the petitioner ought to have produced a proper caste certificate which was valid on the date the interview/scrutiny/verification of documents. The petitioner applied for the caste certificate long after her letter of appointment stood cancelled. The petitioner filed the writ application after obtaining the caste certificate in December 2020.

I have heard the submissions made on behalf of both the parties.

The petitioner appeared in the TET examination in 2014 relying upon a caste certificate issued by a different State. The petitioner was successful in the TET examination and was issued a letter of appointment by the Primary School Council in the year 2017. The petitioner intended to avail the benefit of reservation. For the said purpose she ought to have possessed a valid caste certificate issued by the competent authority of the State where she sought for employment.

Admittedly, the petitioner did not have a valid caste certificate on the day she was called for interview. After her appointment stood cancelled in February 2017, the petitioner applied for obtaining the certificate in her favour.

It is not the case of the petitioner that the application for obtaining the caste certificate in this State was made prior to the scrutiny/verification of documents. Had it been a case that the application was made earlier and the certificate was issued after the date of verification then the matter would have been otherwise. It is not a simpliciter case of late submission of the caste certificate.

It appears that the said certificate was issued in December 2020. Thereafter, the petitioner waited for ten more months and filed the instant writ application in October 2021 praying for revoking/withdrawing the letter of cancellation of her appointment and to issue appointment letter in her favour.

It is true that the caste of a person remains the same from the date of his/her birth, but for the purpose of availing the benefit of reservation a candidate ought to produce a valid caste certificate on the day the documents are verified by the authorities or immediately thereafter.

The authorities are neither obliged nor required to keep the post vacant for an infinite period till a candidate produces a valid caste certificate to avail the benefit of reservation. In that event the recruitment process has to be kept pending for an unending period of time which is not permissible in law.

The caste certificate is required only for the purpose of scrutiny and verification and for affirmation of the fact whether the candidate falls within the reserved category. Without a valid certificate the authority will not be in a position to extend the benefit of reservation to a candidate.

In the instant case, the petitioner did not possess a valid caste certificate on the day she appeared in the examination or on the day the documents were verified by the authority.

The caste certificate was issued in her favour by the competent authority of this State more than three years after her letter of appointment stood cancelled. The petitioner cannot avail the benefit of the said certificate as the same was issued long after her appointment letter was withdrawn and cancelled.

The relief sought for by the petitioner cannot be granted at such a delayed date.

The writ petition fails and is hereby dismissed.

The connected application is also dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)