

11.01.2023  
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RP Ct.21

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 7396 of 2022**

**Shree Ram Prasad  
Vs.  
Union of India & Ors.**

Mr. Ekramul Bari  
Mr. Syed Mansur Ali  
Ms. Tanuja Basak

... For Petitioner

Mr. Hemonta C. Mitter

... For UOI

Mr. Kamal Kumar Chattopadhyay

... For Respondent Nos.2,3 & 4

The petitioner applied for recruitment to the post of Typist (Hindi) in Category-III pursuant to a recruitment notification dated February 2019. The petitioner applied in the OBC category. However, when the petitioner was selected he was held to be a candidate under Ex-Servicemen category. As per the advertisement eight posts were vacant in the OBC category and two posts were vacant in the Ex-Servicemen category.

Since the petitioner applied in the OBC category the petitioner was required to produce OBC certificate. The said OBC certificate was not updated. Therefore the respondent/Food Corporation of India (in short "FCI") did not consider the candidature of the petitioner for appointment. During document verification the petitioner could not produce OBC certificate for financial year 2018-

19. The petitioner also gave an undertaking on January 12, 2022 for producing the OBC certificate, which the petitioner could not produce.

Mr. Bari, learned counsel appearing on behalf of the petitioner submits that an OBC certificate was not required for considering the candidature of the petitioner since he clearly belongs to the Ex-Servicemen category. Once he has been selected in the Ex-Servicemen category there was no requirement for the petitioner to show that he was also an OBC candidate.

Mr. Chattopadhyay, learned counsel appearing for FCI submits that the petitioner was required to produce the OBC certificate since he applied in the said category. FCI has also given opportunity to the petitioner to provide updated OBC certificate, which the petitioner was unable to do.

Mr. Mitter, learned counsel appears for UOI.

Having considered the rival submissions of the parties and materials on record, this Court feels justice will be subserved by giving an opportunity to the petitioner to make representation before the respondent/FCI, bringing on record the contention that no OBC certificate is required for consideration of the petitioner's candidature in the Ex-Servicemen category. In the event, the said representation is made within eight weeks from date the same shall be considered by the Deputy General Manager, Zonal Office, Food Corporation

of India within six weeks from date of representation upon giving an opportunity of personal hearing to the petitioner. The representation of the petitioner will be disposed of by a reasoned order and the same shall be communicated to the petitioner within two weeks thereafter.

Needless to mention that one post will be kept vacant in the category of Typist, till the disposal of the representation for which the petitioner applied, in the event the same has not already been filled up.

With the directions aforesaid, **WPA 7396 of 2022** is **disposed of**.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Hon'ble Court.

Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of usual formalities.

**(Lapita Banerji, J.)**