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Jdt.

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

**W.P.A. 1622 of 2023
Anita Karji (Roy)
vs.
State of West Bengal & Ors.**

Sk. Obaidullah
Ms. Ankita Dey
... For the Petitioner
Mr. Bikramaditya Ghosh
Mr. Pretom Das
... For the State

Affidavit of service filed on behalf of the petitioner is taken on record.

The order passed by the Child Development Project Officer, Coochbehar-I, I.C.D.S. Project, Coochbehar on 14th March, 2023 is under challenge in the writ petition.

It is contended on behalf of the petitioner that pursuant to a notification issued by the Child Development Project Officer, Coochbehar I on 20th November, 2009 for recruitment to the post of Anganwadi Helper, the petitioner applied for the said post and was appointed as a Anganwadi Helper vide Memo dated 14th March, 2022. On 14th March, 2023 the petitioner was served with the impugned order cancelling her provisional appointment on the ground that the caste certificate of the petitioner was obtained subsequent to issuance of the notification,

Learned counsel for the petitioner submits that the petitioner belongs to the scheduled caste by dint of her

birth and it is immaterial as to when the certificate was obtained by her.

Learned counsel has placed reliance in the authority in ***Ram Kumar Gijroya vs. Delhi Subordinate Services Selection Board*** reported in ***(2016) 4 Supreme Court Cases 254*** and in an unreported decision passed in **W.P. No. 1503(W) of 2018** on 28th August, 2018.

Per contra, learned counsel for the respondents submits that there was a specific condition that caste certificate was to be submitted along with the application for the post. The petitioner was unable to submit the same along with the application and applied for the same subsequently. Therefore, the authority rightly cancelled the provisional appointment of the petitioner.

It is a fact that the caste to which the petitioner belongs is attached to her by dint of her birth and cannot be altered by way of a caste certificate later on. Production of caste certificate is part of requirement entailed with the application and whether such certificate is obtained before or after the application does not have much relevance, provided genuineness or validity of the certificate is not in question. That is not the case of the respondents herein.

In view of the observation made hereinabove as well as the observation made by the Hon'ble Courts in the authorities referred to above, this Court is inclined to hold that the appointment of the petitioner cannot be cancelled on the sole ground of late submission of caste certificate by the petitioner.

Accordingly, the order impugned dated 14th March, 2023 is set aside/quashed.

The writ petition is thus allowed.

There will be no order as to costs.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J)