

17.09.2024
Ct. No. 14
Sl. No.18
KB

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

W.P.A 17493 of 2024

**Lakshmikanta Murmu
-versus-
The State of West Bengal & Ors.**

**Mr. Pradip Saren
Mr. Soumik Ghosh
Ms. Saheli Hembrom
... For the petitioner.**

**Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
... For the State.**

**Mr. B. P. Vaisya
Mr. Gourav Das
... For the DPSC, South 24 Parganas.**

The petitioner participated in the recruitment process for appointment of primary school teacher initiated by the District Primary School Council, South 24 Parganas in the year 2009.

The petitioner claims reservation for being a scheduled tribe candidate. The scheduled caste/tribe certificate issued by the Sub-Divisional Officer, Purulia on 26th November, 1998 is annexed to the writ petition. The petitioner lost the said certificate and lodged complaint before the police and made application for obtaining duplicate certificate. The same was issued in favour of the petitioner in the year 2009 after the last

date of submission of the application form for appointment.

The Council, instead of treating the petitioner as a reserved candidate, treated him as a general category candidate on the ground that reservation certificate relied upon by the petitioner was issued beyond the last date fixed by the Council.

It is settled law that the caste of a candidate is determined at the time of his/her birth. Issuance of the certificate is a mere proof of the same. The same will not give any extra benefit to a candidate who is born in the family of the reserved category.

In the instant case certificate was already issued in favour of the petitioner way back in November, 1998. The petitioner somehow was not in a position to produce the said certificate at the time of filing the application but relied upon a subsequent certificate issued in his favour.

The respondent Council ought to give the benefit of reservation to such candidate. The Council is directed to verify the genuineness of the caste certificate relied upon by the petitioner and if the same appears to be genuine, then the benefit of reservation shall be allowed to the petitioner.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)