

22.08.2024

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 18453 of 2023

Gulshan Kumar Kannoujia

-Vs-

Staff Selection Commission & Ors.

Mr. Sukhendu Banerjee,

Mr. Sandipan Maity,

Mr. Raj Kumar Pain

... for the petitioner

Mr. Ajit Kumar Mishra,

Mr. Ayanabha Raha,

Mr. Abhishek Dey

... for the Union of India

Mr. Abdul Hamid,

Ms. Srijani Mukherjee

... for the State/respondent no. 6

A report dated 16th August, 2024 filed by the Sub-Divisional Officer, Sadar (North) Sub-Division, Purba Bardhaman along with a clarificatory note dated 13th August, 2024 issued by the Project Officer-cum-District Welfare Officer, BCW & TD, Purba Bardhaman are placed before the Court and the same are taken on record. A copy of the same has also been made over to the learned advocate for the petitioner.

It is clear from the said report that the Scheduled Caste Certificate issued to the petitioner by the Government of Uttar Pradesh is not a valid document

for the petitioner being considered as a scheduled caste candidate against the vacancies for recruitment of Constables (GD) in Central Armed Police Forces (in short, CAPFs) declared for the State of West Bengal. The petitioner has taken age relaxation benefit on the basis of such scheduled caste certificate. Thus, the petitioner being over aged for being considered under the General/Unreserved category could not have participated in the selection process. Only because of the age relaxation obtained by dint of the Scheduled Caste Certificate, the petitioner could participate under the reserved vacancy for Scheduled Caste. If the petitioner was within the age limit permitted for applying under the General/Unreserved category vacancy, then the petitioner's case could have been considered against the general/unreserved vacancy by ignoring the Scheduled Caste Certificate or in the event, the petitioner did not take any age relaxation on the basis of such Scheduled Caste Certificate then the petitioner could have been considered against general vacancy. In the present scenario, the petitioner, therefor, cannot be considered against the vacancy of General/Unreserved category of the vacancies declared for the State of West Bengal.

In the facts and circumstances as aforesaid, the writ petition fails and is, accordingly, dismissed without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)