

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Ajay Kumar Gupta

M.A.T. 5 of 2024
CAN 1 of 2024
CAN 2 of 2024

State of West Bengal & Ors.
-Vs-
Parul Bala Das Dey & Ors.

For the Appellant

: Mr. Subir Kr. Saha, Adv.
Ms. Momenur Rahman, Adv.
Mr. Bikash Singha, Adv.

**For the respondents/
Writ petitioners**

: Ms. Suman Sehanabis (Mandal), Adv.

Heard on : 15.05.2024

Judgment on : 15.05.2024

Joymalya Bagchi, J. :-

1. Having considered the averments made in the application for condonation of delay, delay in preferring the appeal, is condoned.
2. CAN 1 of 2024 is allowed.
3. Appellant-State has assailed the impugned order passed by the learned Single Judge whereby orders cancelling appointment of the

respondents-petitioners to the post of Anganwadi Sahayika/Helper in the Scheduled Caste category were set aside.

4. Learned counsel for the appellant contends the respondent did not qualify for appointment as scheduled casts candidates since they did not submit their scheduled caste certificates along with their applications as per advertisement.

5. Learned counsel for the respondent-petitioners contends her clients had subsequently submitted the scheduled caste certificates and had been appointed under scheduled caste category.

6. I have considered the materials on record including the impugned judgment. Respondents-petitioners had applied for appointment as Anganwadi Sahayika/Helper. On 13.3.2022 they were appointed to the said posts as scheduled caste candidates. Subsequently, they were called upon to submit their documents for verification. Thereafter, by impugned memos their appointments were cancelled. Sole reason for cancellation was that the respondents-petitioners had not submitted their certificates along with the application. It is not the case of the appellant that certificates were fake. A caste certificate declares the status of a person as belonging to a particular caste. Membership to a caste inheres from birth and is not borne from the date caste certificate is issued. Certificate merely acknowledges a pre-existing status.

7. In this backdrop, I am of the considered view learned single judge rightly held late submission of caste certificate particularly by

respondents-petitioners who come from economical weak and marginalised sections of society should not be a ground to cancel their appointments. They had not indulged in any fraud or dishonesty to secure their appointments.

8. For these reasons I do not find any merit in the appeal and the same is accordingly dismissed.

9. In view of disposal of the appeal, all connected applications are disposed of.

I agree.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)