

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 946 of 2024

**Nikita Kumari
Versus
The State of West Bengal and Ors.**

Ms. Aayushi Agarwal, Adv.
Mr. Harshita Singh, Adv.
Ms. Nigam Mittal, Adv.
... for the petitioner.

Mr. Subir Kumar Saha, Adv.
Mr. Sourav Sarkar, Adv.
... for the State.

The petitioner has filed the present writ application praying for a direction upon the authorities particularly the respondent no.2 to issue Other Backward Class Non-Creamy Layer Certificate to the petitioner.

Learned counsel for the respondent has submitted the report with regard to the issuance of OBC certificate no.WB0202OBCE201702272 dated 29th August, 2017 in the name of the petitioner. A preliminary enquiry is initiated and notice has been issued to the petitioner to appear before the concerned Board i.e. the Sub-Divisional Officer, Sadar, Jalpaiguri directing the petitioner to submit

the relevant documents so that the concerned Officer can decide the preliminary enquiry.

Counsel for the petitioner submits that the petitioner has not received any notice of preliminary enquiry.

Counsel for the respondent has handed over the record wherein it reveals that on 25th April, 2024 the Sub-Divisional Officer, Sadar, Jalpaiguri has issued notice upon the petitioner directing the petitioner to submit all the documents to the concerned authority by 2nd May, 2024 and also directed the petitioner to deposit the original certificate and not to use the said certificate in any other purposes.

As the petitioner denied with regard to the issuance of the said notice, accordingly, this Court finds that no purpose would be served by keeping the matter pending before this Court as already the concerned authority has initiated the preliminary enquiry and is pending for disposal.

In view of the above, Sub-Divisional Officer, Sadar, Jalpaiguri is directed to issue fresh notice by giving minimum seven days' to the petitioner to appear before the concerned authority.

The Sub-Divisional Officer, Sadar, Jalpaiguri is directed to complete the preliminary enquiry by giving opportunity of hearing to the petitioner and to pass a

reasoned and speaking order within a period of three weeks from the date of receipt of this order.

In view of the above, WPA 946 of 2024 is disposed of.

As this Court has disposed of the writ application at the motion stage, the allegations made in the writ application are deemed to have been denied.

(Krishna Rao, J.)