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24.01.2025
Court No.14
BP/AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 3964 of 2024

Tapasi Patra
Vs.
State of West Bengal & Ors.

Mr. Jagabandhu Roy.
Mr. Dipankar Aditya.
Mr. Subir Sabud.
Ms. Tina Biswas.

... for the Petitioner.

Mr. Amal Kumar Sen. A.G.P.
Mrs. Ashima Das (Sil).

... for the State.

1. Affidavit-of-service filed in Court today be kept with the records.
2. The petitioner, as mother, applied for obtaining a caste reservation certificate in favour of her minor son. The petitioner is a member of the Scheduled Caste community but her husband i.e. the father of the child belongs to the general caste.
3. The prayer of the mother for issuance of the Scheduled Caste certificate in favour of her son stood rejected. She aggrieved by the same and has challenged the rejection by filing the instant writ petition.
4. By now the son of the petitioner has already attained majority. The mother submits that the

rejection was made behind her back without proper enquiry.

5. Prayer has been made to direct the authority to issue a Scheduled Caste Certificate in favour of her son.
6. The prayer of the petitioner has been opposed by the learned advocate representing the State respondents.
7. It has been submitted that the writ petition by the mother will not be maintainable as the son is presently a major and the son may be treated as an aggrieved party.
8. Admittedly, it appears that the son is more than 19 years of age. He can maintain a writ petition independently.
9. If the son of the petitioner is aggrieved by the rejection of the prayer made by his mother when he was a minor, it will be open for him to make application before the concerned authority in terms of the West Bengal Scheduled Caste and Scheduled Tribe (Identification) Act, 1994.
10. According to the provision of Section 3 of the aforesaid Act, any person belonging to any of the castes, races or tribes specified in Part XIII of the Schedule of the Constitution (Scheduled Castes) Order, and is a resident in the locality specified in relation to him in that Part of that Schedule may be

identified, by a certificate, to be a member of the Scheduled Caste.

11. The son of the petitioner may make application before the competent authority in terms of the aforesaid provision.

12. In the event such an application is made, the same shall be considered in accordance with law at the earliest in line with the guidelines issued by the Government of India, Ministry of Social Justice and Empowerment dated 3rd October, 2019 after giving reasonable opportunity of hearing to the applicant.

13. The writ petition stands disposed of.

14. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)