

21.05.2025

Item No.75

Ct. No. 15

Suman

WPA 9132 of 2025

Supriya Mondal & Ors.

Vs.

The State of West Bengal and Ors.

Mr. Raghunath Chakraborty

Mr. Supratik Syamal

Mr. Saikat Thakurata

..for the petitioners

Mr. Amitava Chaudhuri

Mr. N. Roy

...for the Board (WBJEEB)

Mr. D. N. Maiti

Mr. R. Chowdhury

Mr. A. Santra

Ms. Z. Khanum

..for respondent nos. 2 and 3.

Mr. Biswabrata Basu Mallick

Mr. K. M. Hossain

..for the State

This writ petition pertains to the implementation of a judgment and order dated May 9, 2024, passed by a Division Bench of this Court in WPO 60 of 2011 (Amal Chandra Das versus The State of West Bengal and Ors.), WPA 22145 of 2010 (Nilmadhab Karmakar versus The State of West Bengal and Ors.), WPA 8844 of 2020 (Aatmadeep versus The State of West Bengal and Others), WPO 1160 of 2013 (Purabi Das and Ors. versus The State of West Bengal and Ors.), and WPO 578 of 2012 (Amal Chandra Das versus The State of West Bengal and Ors.).

The petitioners before this Court are merit-listed candidates of the Joint Entrance Examination for Medical and Allied Courses (PG Course) for the academic year 2024–2025. The petitioners belong to the General category and to some reserved categories such as Other Backward Classes (A), Other Backward Classes (B), Scheduled Caste, etc. The merit list of the examination was published in the month of November 2024. It is alleged by the petitioners that the respondents have not completed the admission process by conducting counselling.

It is submitted by the respondents that Special Leave Petitions, being Special Leave to Appeal (C) Nos. 17751–17755/2024, have been preferred by the State against the judgment and order of the Division Bench before the Supreme Court. Due to the pendency of the matter before the Supreme Court, the respondents have decided not to proceed further with the admission process.

I find no justification in the stance of the respondents.

From the orders passed by the Supreme Court in the aforesaid Special Leave Petitions, it is absolutely clear that the Supreme Court did not grant any stay order against the Division Bench order, although the prayer for a stay order was specifically considered by

the Supreme Court on a number of occasions. Lastly, on March 18, 2025, it was submitted by the State before the Supreme Court that the West Bengal Commission for Backward Classes is undertaking an exercise of examining the issue of backward classes afresh, which is likely to take a further three months' time.

The Supreme Court observed that the exercise sought to be undertaken by the State would be without prejudice to the rights of the parties.

Therefore, the respondents cannot decline to implement the judgment of the Division Bench in the absence of a stay order, thereby jeopardizing the careers of an innumerable number of students.

There cannot be any difficulty in implementing the mandate of the Division Bench.

It is apparent that the Division Bench has struck down the categorization of O.B.C. (A) and O.B.C. (B) candidates. The Division Bench has also struck down the reservation policy of the State, which introduced 10% reservation for O.B.C. (A) category candidates and 7% reservation for O.B.C. (B) category candidates. The 100-point roster introduced to include O.B.C. (A) and O.B.C. (B) categories has also been struck down. It also

cancelled all the O.B.C. (A) and O.B.C. (B) certificates issued after 2010.

The caste certificates issued for 66 classes before 2010, however, have not been interfered with, and 7% reservation for them has been maintained.

The Division Bench has also clarified its mandate in paragraph 351 of the judgment, and the same is quoted below:

“351. Hence, it is accordingly held that the 66 classes would be enjoying a 7% percentage of reservation.”

In other words, following the Division Bench judgment:

(a) The State is mandated to apply the O.B.C. reservations only for the 66 classes that have been included in the list of backward classes notified by the Backward Class Department of the State prior to 2009.

(b) The extent of O.B.C. reservations in the State should be 7%, in terms of notification no. 1056-BCW/EC/MR-302/97 dated November 6, 1997.

(c) The said reservation policy shall be implemented following the 100-point roster introduced by notification no. 240-EMP/1M-5/2000 dated August 2, 2001, issued by the Labour Department of the Government of West Bengal.

A confusion, however, has cropped up regarding the identification of candidates belonging to those 66 classes as O.B.C. candidates, since it appears that post-2010, all the certificates of O.B.C. candidates mention either OBC (A) or OBC (B) category.

There should not, however, be any difficulty in identifying candidates deserving of O.B.C. reservation following the Division Bench judgment. The O.B.C. certificates that have been issued even after 2010 indicate the caste of the candidates. If the caste of the candidate is included in the O.B.C. list introduced by the Backward Class Department of the State prior to 2010, they shall receive the benefit of O.B.C. reservation.

In view of the matter and as suggested by the different parties before this Court, the Court passes the following order to complete the admission process:

- (a) The West Bengal Joint Entrance Examination Board shall publish a notification on its web portal inviting all O.B.C. (A) and O.B.C. (B) candidates to disclose their caste identity by uploading a copy of their O.B.C. caste certificates. Additionally, the candidates shall be notified by SMS sent to their disclosed mobile numbers in this regard.

- (b) The Joint Entrance Board shall recast the panel, excluding the candidates belonging to the O.B.C. (A) or O.B.C. (B) categories and including the O.B.C. candidates who have been included in the list of 66 O.B.C. classes by the Backward Class Department of the State prior to 2010.
- (c) The extent of O.B.C. reservations shall be 7%.
- (d) Let such an exercise be completed by the West Bengal Joint Entrance Examination Board within a period of forty (40) days from the date.
- (e) Immediately after the recast, the merit list shall be forwarded to the West Bengal University of Health Sciences. The University shall accordingly complete the counselling process within a period of one month thereafter.
- (f) To avoid any future complications, a further direction is passed upon the respondents not to advertise or initiate any admission process inviting applications from O.B.C. (A) and O.B.C. (B) candidates. The advertisement should only be published for O.B.C. candidates

belonging to the aforesaid 66 classes, providing for 7% reservation.

With the aforesaid directions, **WPA 9132 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)