

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

Judgment (2)
Moumita
Daily list Item No. 11
Court No. 2

**Present :
The Hon'ble Justice Aniruddha Roy**

W.P.A. 9283 of 2025

**Rintu Sinha Mahapatra
Vs.
Union of India & Ors.**

For the Petitioner	:	Mr. Sabyasachi Bhattacharjee, Adv. Mr. Suman Nandi, Adv.
For the Respondents	:	Mr. Siddhartha Bhattacharyya, Adv. Mr. Asit Kumur Dey, Adv.
Heard on	:	27.10.2025
Judgment on	:	27.10.2025

Aniruddha Roy, J.:

1. Pursuant to the direction made by this Court on August 4, 2025, supplementary affidavit filed today in Court on behalf of the petitioner is taken on record. Copy has been served upon the respondents.
2. Mr. Siddhartha Bhattacharyya, learned counsel appearing for Union of India representing the respondents has also filed a counter to the said supplementary affidavit, the same is taken on record. Copy has been made over to Mr. Sabyasachi Bhattacharjee, learned counsel appearing for the petitioner.

3. Petitioner is an aspirant for the post of **Constable (GD) in Central Armed Police Forces (CAPFs), SSF and Rifleman (GD) in Assam Rifles Examination, 2024** (for short the selection process) as an **Economically Weaker Section (EWS)** candidate.
4. The terms and conditions for the selection process would appear from the notice dated **November 24, 2023** inviting candidatures from the intending candidates at large, **Annexure-R1 at page 10** to the report filed by the respondent nos. 2, 3 and 7 (for short the SSC). Clause 6.3 of the terms and conditions specifies crucial date for claiming, inter alia, **EWS status** will be the closing date for receipt of online applications. The closing date was **December 31, 2023**. The petitioner had produced the necessary **EWS Certificate** which was valid till **March 31, 2024**. The petitioner also attended the computer based examination held on **February – March, 2024** as was fixed under the said notification.
5. Paragraph 3 of the report filed by the respondent no.5 (for short CRPF) shows that, the petitioner appeared for document verification and detailed medical examination on **October 5, 2024** but he did not submit valid **EWS Certificate** during the process of document verification.
6. The relevant terms for applying for the selection process would appear from the notification dated **November 24, 2023 Annexure R-1 at page 10** to the report filed on behalf of **SSC**, is quoted below:

“6.1 Candidates who wish to be considered against reserved vacancies/or seek authority, in the prescribed format, when such certificates are sought by concerned

CAPFs for document verification at the time of DME. Otherwise, their claim for SC/ST/OBC/EWS category will not be entertained and their candidature/ applications will be considered under Un-reserved (UR) category. Further, if a candidate has sought any other age-relaxation or claimed ESM status and is not able to produce the relevant certificate, he will be considered in his respective category i.e. SC/ST/OBC/EWS/UR. The formats of the certificates are annexed with the Notice of Examination.”

7. The relevant terms as would be evident being **Clause 14** from the admit card issued to the petitioner **Annexure p-8 at page 4** to the exception filed by the petitioner to the report submitted by respondent no. 5 also stipulates that candidates who wish to be considered *inter alia*, against vacancies reserved, as in the instant case under EWS category, are required to submit requisite certificate from the competent authority, in the prescribed format, when such certificates are sought by concerned CAPFs for document checking at the time of Detail Medical Examination (DME). The said stipulation is also in sync with and identical to **Clause 6.1** of the terms of the selection process mentioned in the said notification dated **November 24, 2023**.
8. Mr. Sabyasachi Bhattacharjee, learned counsel appearing for the petitioner referring to **Clause 6.3** from the said selection notification dated **November 24, 2023** submits that the crucial date for claiming EWS status would be the closing date for receipt of online application which was **December 31, 2023**. Learned counsel then refers to the EWS certificate

Annexure p-2 at page 16 to the writ petition and submits that the same was valid for the year **2023-2024**. He submits that since the said EWS was valid for the year **2023-2024**, the same was valid as on **December 31, 2023**. Therefore as on the said crucial date the petitioner submitted the said certificate and claimed his status as EWS candidate.

9. Learned counsel for the petitioner further submits that on **October 5, 2024** when the DME took place the petitioner had applied for a valid EWS certificate and the petitioner contends that the said certificate which was valid for the year **2023-2024 at page 16** to the writ petition was sufficient and valid certificate as on the date of the DME held on **October 5, 2024**.
10. Per Contra, Mr. Siddhartha Bhattacharyya, learned counsel appearing for the Union of India/respondents referring to the certificate being **Annexure p-2 at page 16** to the writ petition, submits that the said certificate was valid for the financial year **2023-2024** that is till **March 31, 2024**. Similarly, referring to the certificate being **Annexure p-9 at page 3** to the supplementary affidavit filed today dated **December 26, 2024**, Mr. Bhattacharjee submits that this certificate was valid for the financial year **2024-2025**, which means till **March 31, 2025**. This certificate on the face of it shows it was issued on **December 26, 2024**, admittedly after **October 5, 2024** when DME took place. Therefore as on the date of DME on **October 5, 2024**, the petitioner has not produced any valid EWS certificate.
11. In the light of the above, Mr. Bhattacharjee submits that this writ petition is devoid of any merit and should be dismissed.

12. After considering the rival contentions of the parties and upon perusal of the materials on record and upon conjoint reading of the terms and conditions from the said notification for selection dated **November 24, 2023** and the terms and conditions mentioned in the admit card being **Annexure p-8** appended to the exception filed by the writ petitioner, it appears to this court that, both the terms and conditions are identical and same which stipulate that candidates wishes to be candidates for reserved vacancies, in the instant case EWS category, are required to submit requisite certificate from the competent authority, in the prescribed format, when such certificates are sought by the authority for document the verification at the time of DME. **Clause 6.3** of the same notification shows the crucial date for claiming EWS status will be the closing date for receipt of online applications, which was **December 31, 2023**.
13. The conjoint reading of the stipulations referred to above would show that even if as on the crucial date, that is **December 31, 2023**, the petitioner has produced the EWS certificates, it was further obliged to produce the same as on the date of DME. The record shows that all these certificates were valid for financial year of the respective years mentioned in the certificates. The certificate being **Annexure p-9 at page 3** to the supplementary affidavit shows that admittedly it was issued on **December 26, 2024** which was subsequent to **October 5, 2024**, when DME took place. Therefore the certificate appended to the writ petition being **Annexure p-2 at page 16** to the writ petition was valid for the financial year **2023-2024** that is till **March 31, 2024** and not till **October 5, 2024**.

Therefore, as on **October 5, 2024** when DME took place in terms of **Clause 6.1** of the notification for selection dated **November 24, 2023** there was no valid certificate in possession of the petitioner and as such the petitioner could not produce any such valid EWS certificate as on the date of DME.

14. The law is well settled that the Constitutional Court in exercise of its power under Article 226 of the Constitution of India cannot re-write and/or modify and/or alter the terms of the selection process. The terms and conditions of the selection and its compliance should be construed strictly in accordance with the selection terms. As already stated above, in view of **Clause 6.1** of the selection notification the petitioner was disqualified.

15. In view of the forgoing reasons and discussions, this Court is of the considered and firm view that this writ petition is devoid of any merit.

16. Accordingly, this writ petition **WPA 9283 of 2025** stands **dismissed**, without any order as to costs.

(Aniruddha Roy, J.)