

9th Sept.,2025
Item no.D/L 06
Court No. 14
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 17506 of 2025**

In the matter of :
Sumit Shaw
VS.
.... Petitioner

Ministry of Social Justice & Empowerment & Ors.
....Respondents

For the Petitioner:
Ms. Manju Agarwal, Sr. Adv.
Ms. Anju Manot
Ms. Ruchi Hallan
....Advocates

For the Respondent no. 1:
Mr. Sahasrangshu Bhattacharjee
Mr. Loknath Chatterjee
....Advocates

For the State:
Mr. Swapan Banerjee, Ld. AGP
Ms. Sumita Shaw
Mr. Soumen Chatterjee
....Advocates

1. The reservation certificate issued in favour of the petitioner has been cancelled on 9th November, 2023.
2. The petitioner contends that the cancellation of the caste certificate was not intimated to him in proper time and the procedure for cancellation was not properly followed.
3. The petitioner, relying on the said certificate, took admission in the MBBS course.
4. According to the respondents, the reservation certificate stood cancelled long ago. There is a provision for appeal which the petitioner may avail of.

5. The Court permitted the petitioner to rely upon the documents submitted by him for the purpose of obtaining the reservation certificate. Accordingly, a supplementary affidavit was filed with a copy upon the learned advocate representing the respondent authorities.
6. Learned advocate representing the State respondents categorically deny that the documents annexed in the supplementary affidavit were submitted by the petitioner at the time of obtaining the reservation certificate.
7. It has been submitted that the application was made online by relying upon the caste certificate issued in favour of one Khushi Shaw his paternal cousin sister as reference certificate holder. The application of the petitioner was processed as a second generation case, recommended and approved.
8. At the time of hearing the petitioner failed to produce any document in support of his relationship with the said Khushi Shaw.
9. A field enquiry was conducted and the statement of the father of the said Khushi Shaw was recorded and it was confirmed that the petitioner is not a relative of the said Khushi Shaw.
10. Based on the findings arrived at the hearing, the reference holder's certificate, that is, Khushi Shaw's reservation certificate was also cancelled.
11. Specific case of the respondents is that the caste certificate was obtained by knowingly providing false

information, fabricated documents and misrepresentation of facts.

12. The aforesaid contentions of the respondents are denied by the learned advocate representing the petitioner.

13. The department intends to take steps under Section 9 of the West Bengal Schedule Case and Schedule Tribe (Identification) Act, 1994 against the petitioner.

14. Whether the petitioner belongs to the reserved category or not is a factual issue which has to be decided upon appreciation of various facts. The same cannot be adjudicated by way of a writ petition.

15. As the petitioner obtained admission in the course relying on the reservation certificate which later stood cancelled being found to be obtained relying upon misrepresentation and fraudulent statements, accordingly, the benefit of reservation cannot be permitted to continue.

16. It will be open for the petitioner to challenge the cancellation of the caste certificate before the competent forum in accordance with law.

17. No relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.

18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)