

9th Sept.,2025
Item no.D/L 07
Court No. 14
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 17507 of 2025**

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

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 Rajesh Kr. Shaw his paternal uncle 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 Rajesh Kr. Shaw.
9. A field enquiry was conducted and on enquiry, Rajesh Kr. Shaw confirmed that he does not know the petitioner and the address mentioned in the petitioner's application is not the correct address. Rajesh Kr. Shaw voluntarily surrendered his own caste certificate admitting that he obtained the same under false pretenses and apologized for wrong information.
10. Specific case of the respondents is that the caste certificate was obtained by knowingly providing false information, fabricated documents and misrepresentation of facts.

11. The department intends to take steps under Section 9 of the West Bengal Schedule Caste and Schedule Tribe (Identification) Act, 1994 against the petitioner.
12. The aforesaid contentions of the respondents are denied by the learned advocate representing the petitioner.
13. 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.
14. 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.
15. It will be open for the petitioner to challenge the cancellation of the caste certificate before the competent forum in accordance with law.
16. No relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.
17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)