

ML 114
15.01.2025
Ct. 14
BP/AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 22555 of 2023

**Ranajit Rakshit
-versus
The State of West Bengal & Ors.**

**Mr. Billwadal Bhattacharya. Sr. Adv.
Mr. Arup Kumar Dasgupta.
Mr. Anish Kumar Mukherjee.
...For the Petitioner.**

**Mr. K. J. Yusuf.
Ms. Rupsha Chakraborty.
... For the State.**

1. None represent the private respondent.
2. The petitioner challenges the Other Backward Classes certificate issued in favour of the private respondent. Specific submission of the petitioner is that the petitioner does not belong to the said category. A complaint was lodged by the petitioner before the Sub Divisional Officer which is yet to be disposed of.
3. Learned advocate representing the State relies upon a report forwarded by the SDO, Tamluk, Purba Medinipur signed on 2nd May, 2024 which mentions that the complaint of the petitioner was enquired. It was found that the original OBC-B certificate was issued in favour of the private respondent and the same was digitized.
4. Relying upon such issuance, the authority opined the candidate belongs to the said category.

5. According to the petitioner, the enquiry was not conducted in the manner prescribed in the West Bengal SC and ST (Identification) Rules, 1995.
6. It appears from the report that has been placed in Court today that the authority only considered the genuineness of the certificate that was issued in favour of the private respondent. The contents of the said certificate and more particularly as to whether the candidate in whose favour the OBC certificate was issued actually belongs to the said category or not has not been enquired into.
7. The SDO is directed to conduct re-enquiry to ascertain the proper category of the private respondent upon giving an opportunity of hearing to the petitioner and the private respondent.
8. On conclusion of the enquiry fresh reasoned order shall be passed and communicated to the parties. If it appears that the allegation of the petitioner is proper, then necessary remedial measures shall be taken.
9. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.
10. The writ petition stands disposed of.
11. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)