

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :- Hon'ble Justice Amrita Sinha

WPA 24256 of 2025
(CAN 1 of 2025)

Kamalakanta Maiti & Ors.
Vs.
The State of West Bengal & Ors.

For the writ petitioners	:-	Mr. Firdous Samim, Adv. Ms. Gopa Biswas, Adv. Mr. Hasibur Rahaman Jamadar, Adv. Mr. Ayush Majumder, Adv.
For the WBCSSC	:-	Mr. Kalyan Kr. Bandopadhyay, Sr. Adv. Mr. Biswaroop Bhattacharjee, Adv. Mr. Arka Kumar Nag, Adv. Mr. Rahul Kr. Sinsh, Adv.
For the State	:-	Mr. Sirsanya Bandopadhyay, Sr.SC. Mr. K.J. Yusuf, Adv. Mr. Sandip Dasgupta, Adv. Mr. Saqib Siddhiqui, Adv. Mr. Niket Ojha, Adv. Mr. Sanjay Mukherjee, Adv.
For the Applicants	:-	Mr. Subir Sanyal, Sr. Adv. Mr. Ratul Biswas, Adv. Mr. Somesh Ghosh, Adv. Mr. Sourajit Mukherjee, Adv.
Heard on	:-	08.12.2025
Judgment on	:-	08.12.2025

Amrita Sinha, J.:-

1. The petitioners appeared in the 2nd SLST (AT), 2025 in response to the recruitment notification published on 30th May, 2025. They claim reservation under the Economically Weaker Section (EWS) category.

2. Last date for submission of the online application was on 16th April, 2025 which was later extended till 21st July, 2025. The fees chart for the examination was segregated in two distinct categories. First, for the general and OBC candidates and the second, for SC/ST/PH candidates.
3. The note appended to the recruitment notification mentions that for being considered in the reserved categories, the certificates issued by the competent authorities of only the Government of West Bengal on or before the last date of receiving the online application shall be treated as valid documents.
4. The Commission published addendum notices on 30th July, 2025, 5th August, 2025 and 22nd September, 2025 permitting updating/editing the caste category.
5. By the addendum notice dated 5th August, 2025 edit option was provided to candidates to mention their specific category including caste, class, EWS or physically handicapped category from 5th August, 2025 to 12th August, 2025.
6. The case made out by the petitioners is that they applied for obtaining the EWS certificate but due to the delay in issuing such certificate, they could not disclose their category at the very first instance. The candidates, however, received their certificates prior to the last date of updating/editing the category status.
7. It has been submitted that the EWS certificate is valid for one financial year. The certificates relied upon by the petitioners are valid from 1st April, 2025 till 31st March, 2026.

8. It has been submitted that the authority ought to treat the petitioners as candidates of the reserved category relying on the EWS certificate annexed in the instant writ petition.
9. In support of the submission that the authority ought to give credence to the EWS certificate, the petitioners rely on the judgment delivered by the Hon'ble Punjab & Haryana High Court on **24th March, 2023** in **1199-2019** in the matter of **Haryana Staff Selection Commission Vs. Subhash Chand & Ors.** wherein the Court relied on the principle that proof of reservation claim can be submitted later. In appeal preferred against the aforesaid judgment the same has been affirmed by the Hon'ble Supreme Court by judgment dated **31st January, 2024** in **Civil Appeal No. 6395 of 2023** in the matter of **Haryana Staff Selection Commission Vs. Subhash Chand & Ors.**
10. Reference has also been made to the judgments delivered by the Hon'ble Supreme Court in the matter of **Dolly Chhanda Vs. Chairman, JEE & Ors.** reported in **(2005) 9 Supreme Court Cases 779** and **Ram Kumar Gijroya Vs. Delhi Subordinate Services Selection Board & Anr.** reported in **(2016) 4 Supreme Court Cases 754.**
11. The petitioners pray for a direction upon the Commission to treat their candidature under EWS category relying upon the certificates annexed to the writ petition.
12. The prayer of the petitioners has been opposed by the respondents.
13. An application for addition of parties has been filed in the writ petition by candidates claiming themselves to be the members of the EWS category.

14. The applicants claim to be holding the reservation certificate on the date of the advertisement. According to them the candidates who obtained the EWS certificate beyond the prescribed time period mentioned in the advertisement, are ineligible for being treated under the reserved category. Such candidates ought not to get the benefit of reservation.
15. Learned advocate for the Commission submits that the advertisement specifies the date within which the documents for reservation are required to be acquired. Any document acquired after the last date, cannot be relied upon.
16. In support of such submission, the judgments delivered by the Hon'ble Supreme Court in the matter of ***Divya Vs. Union of India & Ors.*** reported in ***(2024) 1 Supreme Court Cases 448*** and ***Mohit Kumar Vs. State of Uttar Pradesh & Ors.*** reported in ***2025 SCC OnLine SC 1125*** have been relied upon by the Commission.
17. Reference has also been made to the order dated ***26th November, 2025*** passed by this Court in ***WPA 26420 of 2025*** in the matter of ***Tanmoy Maity Vs. The State of West Bengal & Ors.*** wherein the Court was pleased not to accept the prayer of the petitioner for granting reservation as EWS category candidate as the candidate approached the Court after the declaration of the result of the written examination and the interview list.
18. Reference of the matter of Ram Kumar Gijroya (supra) to the Larger Bench made by the Hon'ble Supreme Court in the matter of ***Karan Singh Yadav Vs. Government of NCT of Delhi & Ors.*** reported in ***(2024) 2 Supreme Court Cases 716*** has also been brought to the notice of the Court.

19. The respondents pray for dismissal of the writ petition.
20. I have heard the submissions made on behalf of all the parties.
21. As per the recruitment notification dated 30th May, 2025, last date for filling the application form was 14th July, 2025. The same was later extended by the Commission till 21st July, 2025. As per the notification, the reserved category is to be identified considering the certificates issued by the competent authorities of this State on or before the last date of receiving the online application.
22. In the instant case, the petitioners have annexed a chart disclosing when the petitioners applied for obtaining the certificates and the dates the same were issued by the authority. It appears that the process of collecting documents required for obtaining the EWS certificate started after the recruitment notice was published by the Commission. Processing the documents took some time and the certificates were issued after the last date of submission of the online application.
23. According to the petitioners, as the certificates were issued at a later point of time, accordingly, they could not submit the same within the prescribed date. The petitioners, however, contended that as the certificates relate to the current financial year, accordingly, the same ought to be considered for granting the benefit of reservation.
24. The Court is of the considered opinion that, had the petitioners obtained the certificates prior to the last date of filing the online application, then they could have got the option of updating/editing their application form in terms of the addendum notices issued by the Commission.

25. Here, none of the petitioners possessed the EWS certificate till the last date of filling the application form. In fact, from the chart annexed to the writ petition it appears that online application for obtaining the EWS certificate was made long after the deadline for filling the online application form for recruitment expired.
26. If the benefit of reservation is directed to be granted to the petitioners, then similarly circumstanced candidates who received their certificate after the last date of filling the online application form may be deprived of the opportunity for being treated as reserved category candidates.
27. The Rule according to which the reservation benefit is granted to the candidates prescribes that the reservation certificate ought to be issued by the competent authorities on or before the last date of receiving the online application. Allegation of the petitioners that the Commission permitted updating/editing the reservation status of the candidates after the last day of filing the application form contrary to the Rules does not imply that the candidates who obtained the certificates after the last date could update/edit their option relying on those certificates. Only if the certificates been available prior to the last date of filling the application form, then the question of updating/editing the option arises. Any certificate which is issued beyond the prescribed period cannot be relied upon for obtaining the benefit of reservation.
28. Ram Kumar Gijroya (supra) deals with the consequence of delayed issuance of caste certificate. Caste certificate of a candidate and certificate under the EWS category are two completely different matters. One cannot be equated with the other. The caste of a candidate is acquired on birth.

Caste certificate is issued only to certify that the candidate belongs to the reserved category. By issuance of the caste certificate, the caste of a candidate cannot be acquired.

29. On the other hand, EWS certificate is issued to persons belonging to the economically weaker section of the society. The same is issued relying on the assets possessed and the family income of the candidate. The income of a family is usually not static and it keeps on changing or fluctuating from time to time. It is only for this reason that the EWS certificate is valid for a period of one year. The certificate is issued afresh if the same economic condition persists. EWS certificate has nothing to do with the birth of a candidate.
30. The Hon'ble Supreme Court in the matter of Mohit Kumar (supra) held that after commencement of the recruitment process wherein aspirants have participated without raising any demur as to what a particular term means, even if any of the terms being ambiguous the Court should lean in favour of the recruiting authority. In the case at hand, the Commission clearly mentioned in the recruitment notice that to obtain the benefit of reservation, certificate issued by the competent authority of the State on or before the last date of receiving the online application will be considered. There was no ambiguity as regards the date of consideration of the certificate.
31. In Divya (supra), the Court held that determination of eligibility cannot be left uncertain till the final stage of selection, since that would lead to uncertainty. If the rules prescribed the last date on which the eligibility should be possessed, any relaxation would prejudice the non-applicants

who, for want of possession of eligibility, could have applied. The relaxation then will be selective, leading to discrimination.

32. In Dolly Chhanda (supra) the Court reiterated the principle that the general rule is while applying for a post, a person must possess the eligibility qualification on the last date fixed for such purpose. There can be no relaxation unless there is an express provision to the contrary. Every infraction of the rule need not necessarily result in rejection of candidature. In the instant case, the petitioners did not possess the EWS certificates on the last date of filing the application form. The recruitment notice required possession of such certificate.
33. If the prayer of the petitioners for providing reservation is allowed, then several other candidates who may have obtained their EWS certificates beyond the prescribed period of limitation would be denied such benefit. Such direction would be arbitrary and will certainly be discriminatory in nature. Passing such direction will be contrary to the Rules.
34. In view of the above, the prayer of the petitioners for treating them as reserved category candidates cannot be allowed. The writ petition fails and is hereby dismissed.
35. The application for addition of party being CAN 1 of 2025 is allowed and the same stands disposed of.
36. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)