

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :- Hon'ble Justice Amrita Sinha

WPA No. 26937 of 2025

Somnath Pramanik & Ors.

Vs.

The State of West Bengal & Ors.

For the writ petitioners	:-	Mr. Pratik Dhar, Sr. Adv. Mr. Samir Halder, Adv. Mr. Snehal Sinha, Adv.
For the State	:-	Mr. Sandip Dasgupta, Adv. Ms. Mahima Cholera, Adv. Mr. Niket Ojha, Adv.
For the WBCSSC	:-	Mr. Kalyan Bandopadhyay, Sr. Adv. Mr. Biswaroop Bhattacharjee, Adv. Ms. Pramiti Bandopadhyay, Adv. Mr. Arka Kumar Nag, Adv. Mr. Rahul Kumar Singh, Adv.
Heard on	:-	27.11.2025
Judgment on	:-	27.11.2025

Amrita Sinha, J.:-

1. As many as thirty-one petitioners have joined to file this writ petition claiming to be members of Scheduled Castes (SC), Scheduled Tribes (ST) and Physically Handicapped (PH) category. They participated in the recruitment process for appointment of assistant teachers under 2nd SLST, 2025.

2. They submitted their application form in response to the notification published by the West Bengal Central School Service Commission on May 30, 2025. The last date of filing the application

along with the application fees was July 14, 2025, later extended till July 21, 2025.

3. At the time of filling in the application form, the petitioners mentioned their castes and also paid the fees meant for SC/ST and PH that is Rs.200/-. Application fee for the general and OBC category candidates is Rs.500/-.

4. On June 24, 2025, the Commission published a notice mentioning that having regard to orders which may be passed in Special Leave Petition (Diary No.34016 of 2025) State of West Bengal –vs- Amal Chandra Das & Ors., the category details are not being collected and will be collected in due course prior to the applications being processed.

5. A further notice was published by the Commission on July 30, 2025 in respect of all concerned in connection with 2nd SLST that in view of the order dated July 28, 2025 passed by the Hon'ble Supreme Court in SLP (C) NO.17422 of 2025 (State of West Bengal –vs- Purabi Das & Ors.) and other connected matters, the online portal will be opened for collection of category details from August 5, 2025 to August 11, 2025. The candidate will have to log in and choose the edit option. Then, the candidate will have to select the category from the drop down menu. The candidate will also have to specify his sub-category.

6. Yet another notice was published by the Commission on August 5, 2025 notifying that in continuation of the earlier notice dated July 30, 2025 all candidates are informed irrespective of their category, to mention their specific category (castes/class EWS/PH etc.) in the respective place in their application form through the edit option

provided in the website from August 5, 2025 to August 12, 2025. It was clarified that only candidates from OBC category were required to mention their sub-category from the drop down box. Others (including General category candidates) will mention their category only.

7. Last of such notice was published on September 22, 2025 mentioning that the candidates are provided opportunity to update/edit caste category from September 22, 2025 to September 26, 2025. It was mentioned that any candidate who fails to update the category within September 26, 2025 shall be treated as General.

8. The petitioners did not avail the edit option provided by the Commission by its various notices starting from June 24, 2025 till September 22, 2025.

9. According to the petitioners, as they mentioned their caste details at the time of filing the application form at the very initial stage within the stipulated time period, there was no requirement for updating further caste details.

10. It has been submitted that the petitioners paid the fees meant for SC/ST & PH candidates. According to the petitioners, their right to be treated in a particular class crystalized on the last date of filing the application and there was no requirement for making any edition or alteration in their caste category.

11. In support of such submission, the petitioners rely upon the Rules according to which the recruitment process is being conducted.

12. Rule 2(r) of the West Bengal School Service Commission (Selection for Appointment to the Posts of Assistant Teachers for Upper

Primary Level of Classes [except Work Education and Physical Education), Classes IX-X and Classes XI-XII) Rules, 2025 stipulates that 'reserved category' means a category of reservation in respect of the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Physically Handicapped Candidates and other categories of reservation, if any, in force by an order of a competent authority as at the last date of receiving online applications may be notified pursuant to advertisements to be issued.

13. Reliance has been placed on the judgment of the Delhi High Court in the matter of Kendriya Vidyalaya Sangathan –vs- Geetanjali Yadav reported in 2025 SCC OnLine Del 6420 wherein the Court was answering as to whether a minor technical entry in the online form can override substantive eligibility.

14. Reliance has also been placed on the judgment of the Hon'ble Supreme Court in the case of Ram Kumar Gijroya –vs- Delhi Subordinate Services Selection Board & Anr. reported in (2016) 4 SCC 754.

15. It has been submitted that the result of the written test has been declared and that the petitioners scored marks eligible for participating in the interview board had reservation been provided to the petitioners. It has been contended that all the petitioners have been illegally and arbitrarily treated as general category candidates.

16. Prayer has been made to treat the petitioners as reserved category candidates in accordance with their declaration given in the application form.

17. Prayer of the petitioners has been opposed by the Commission. It has been submitted that as many as four options were provided to all candidates to update their category details. The petitioners failed to act in accordance with the notices published by the Commission.

18. The petitioners were not diligent about their rights. The Court ought not to stand in favour of indolent litigants. It has also been contended that as the petitioners did not disclose their category details, accordingly, they have rightly been treated as general category candidates.

19. Prayer has been made to dismiss the writ petition.

20. I have heard the respective submissions made on behalf of both the parties and have perused the materials placed before this Court.

21. Admittedly, the application form filed by the petitioners within the stipulated time period along with the prescribed fees disclosed their category details. The petitioners submitted the application fee in accordance with their respective category. The fee meant for General and OBC category candidates is Rs.500/- and the fee for SC/ST & PH candidates is Rs.200/-.

22. The notices published by the Commission after expiry of the date for filing the applications required candidates to update/edit their category details. The petitioners never intended either to update or edit the category details disclosed by them at the time of filing the application form. Had there been any change in the category of the petitioners, there would have been a necessity or a requirement to update or edit their caste details. As there was no change in the category of the petitioners,

they did not feel the necessity to change the same. The petitioners paid the fees meant for their respective reserved category.

23. The notices of the Commission that anybody who fails to update or edit their option shall be treated as general category by paying the application fees meant for reserved category cannot be comprehended.

24. The fee structure for different categories was kept distinctly separate only for identification. A candidate who pays Rs.200/- to avail opportunity to be treated in the reserved category cannot be treated to be a general category candidate without paying the proper application fee.

25. The Rules pursuant to which the recruitment process is being conducted recognize the category of the candidate as on the last date of receiving online applications.

26. The submission of the Commission that the addendum notices were published in terms of the order passed by the Hon'ble Supreme Court does not stand in aid of the Commission particularly because of the reason that the case before the Hon'ble Supreme Court mentioned in the addendum notices did not deal with the Scheduled Castes, the Scheduled Tribes or the Physically Handicapped category.

27. Direction passed by the Hon'ble Supreme Court in the subject case was in respect of Other Backward Classes category and the same did not deal with the other categories. Accordingly, the direction passed in that matter cannot adversely affect the right of the petitioners as they do not fall in the Other Backward Classes category.

28. The question of editing or updating category details arises only if there is a change that has to be made in the application form. As there

was no requirement of any change, the category disclosed by the candidate in the application form has to be treated as final.

29. The Commission cannot suo motu treat a reserved category candidate as general category candidate despite the candidate's disclosure of being a member of a particular reserved category. Moreover, the caste of a candidate gets determined at the time of his/her birth and the same cannot be determined or acquired upon issuance of any certificate in his/her favour at a later date.

30. The Hon'ble Supreme Court in Ram Kumar Gijroya (supra) highlighted the purpose and objection of reservation as envisaged in the Constitution.

31. The petitioners claim to possess their respective reservation certificate in the SC/ST & PH category. The petitioners have to be treated in the declared category.

32. In view of the above, the instant writ petition is disposed of by directing the Commission to treat the candidates in the respective categories that they disclosed in their application form subject to verification of their reservation certificates.

33. Affidavit of service filed in Court be taken on record.

34. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

35. Urgent certified photocopy of this judgment, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)