

2ND Dec., 2025
Item no.D/L 04
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 27177 of 2025**

In the matter of :
Namita Das *.... Petitioner*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioner:
Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal *....Advocates*

For the WBCSSC:
Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Biswaroop Bhattacharjee
Ms. Pramiti Bandopadhyay
Mr. Arka Kumar Nag
Mr. Rahul Kumar Singh *....Advocates*

For the State:
Mr. Jyoti Prakash Chatterjee
Mr. Akash Dutta *....Advocates*

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner participated in the 2025 recruitment process for selection of assistant teachers conducted by the West Bengal Central School Service Commission.
3. She disclosed herself to a member of the reserved category and paid Rs. 200/- being the application fee meant for Scheduled Caste/Scheduled Tribe/Physically Handicapped.
4. The petitioner has annexed documents in support of her candidature in the earlier recruitment process conducted by the Commission in

the year 2016 wherein her reservation status as Scheduled Caste is clearly mentioned.

5. The petitioner passed the written examination in the ongoing selection process and her name has been published in the preliminary interview list under the general category.
6. She is aggrieved by the same.
7. It has been submitted that she ought to be provided the benefit of reservation as she is a member of the Scheduled Caste community.
8. Learned senior counsel representing the Commission opposes the prayer of the petitioner.
9. It has been submitted that the petitioner did not indicate the particular category of reservation. She submitted her application fee of Rs. 200/- which is meant for the Scheduled Caste/Scheduled Tribe/Physically Handicapped candidates. Several opportunities were granted by the Commission to update and edit the category option of the candidate. The petitioner failed to avail the same.
10. It has been submitted that the petitioner has got marks by which she may be upgraded to the status of a general category candidate. If she seeks reservation, then another reserved category candidate will lose the benefit of reservation. The benefit of reservation is to be extended to a community as a whole and not to a particular individual.
11. Prayer has been made to permit the Commission to treat the petitioner as a general category candidate.
12. Whether the reserved category candidate who disclosed the reservation in the application form can be suo motu treated as a

general category candidate for not updating or editing the details in the application form despite being provided opportunity to the candidate has been decided by the Court on 27th November, 2025 in WPA 26937 of 2025 in the matter of Somnath Pramanik & Ors. Vs. The State of West Bengal & Ors.

13. The Court was of the opinion that once the category of the candidate has been disclosed in the application form, the authority cannot suo motu change such category. If there was no requirement of updating or editing the category of the candidate, then it will not be necessary for the candidate to submit fresh reservation status. Had there been any change in the reservation status, then the candidate was required to edit/update the details of reservation within the time limit provided by the Commission.
14. By paying the fees meant for reserved category candidate, the authority cannot treat the said candidate to a member of the general category for whom the application fee is higher than those of the reserved category.
15. According to the Constitution, a candidate who is meant to be in a reserved category ought to receive all benefit of the said category. A reserved category candidate may be upgraded to the general category by dint of his marks received in the selection test but the same does not mean that the reserved category candidate cannot avail the benefit of reservation. Despite a reserved category candidate securing more marks than the general category candidate and despite being liable for upgradation in the general category, a reserved category candidate can avail the benefit of reservation. The

Constitution of India permits such facility to the candidates whose name appears in the list meant for reserved category.

16. The community of the reserved category consists of several individual members. By being member of the community of reserved category, the individual right of the SC candidates to avail the benefit of reservation cannot be curtailed.
17. Since the petitioner has already declared herself to be a member of the scheduled caste category, she ought to be provided all benefit of the reserved category including the benefit of counselling which is meant for reserved category candidates.
18. In view of the above, the instant writ petition is disposed of by directing the Commission to treat the candidature of the petitioner as a reserved category candidate under the scheduled caste category.
19. The writ petition stands disposed of.
20. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)