

Item No.11
04.09.2025
Court. No. 1
B.Pal

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

MAT/76/2025

CHITRANI
ROY AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

*Mr. Shubhankar Dutta,
Mr. Somnath Patra*

... for the Appellants.

*Mr. Momenur Rahman,
Mr. Sourav Sarkar*

...for the State respondents.

1. The appeal arises out of the judgement and order dated August 12, 2025, by which WPA 2310 of 2024, was rejected by the learned Single Judge. The ground for rejection was that, the petitioners could not approbate and reprobate at the same time.
2. Mr. Rahman learned advocate for the State submits that all the persons were allowed an opportunity to avail of the reservation under the EWS category, including the petitioners.
3. The learned Court held that, once the procedure was changed midway, the petitioners should have challenged the corrigendum instead of appearing for the interview. However, we notice that the recruitment process was initiated by the

recruitment notice/advertisement dated March 24, 2023. The written examination was held on April 30, 2023. By a corrigendum dated March 7, 2024, i.e. after the publication of the result of the written examination, the authority proceeded to reserve 10% of the vacancies advertised for unreserved category for the EWS category. The petitioners applied against the unreserved posts which were 77 in number. Accordingly, the available posts came down to 62 after the 10% reservation was notified midway. The petitioners do not claim reservation under EWS.

4. Thus, whether opportunity was given to all the candidates to avail of such reservation under EWS category is not relevant. The vacancy position was revised. The question required to be answered by the State is whether the corrigendum was necessitated to correct the original vacancy declared on account of incorrect rostering or not and whether such correction of the roster/vacancy position was permissible in law, once the written examination was over. Further, whether the petitioners or any of them would have been appointed on the basis

of their performance had the 10% reservation not been declared is also a relevant factor.

5. The order impugned is set aside as it does not take into consideration the various issues which have been raised before us.
6. The writ petition is remanded for hearing afresh.
7. The State respondents are permitted to file additional affidavit-in-opposition disclosing all documents, rules and the score sheet of all the candidates who had applied against the unreserved category.
8. Accordingly, the appeal is disposed of.

(Shampa Sarkar, J.)

(Prasenjit Biswas, J.)