

WPA 1754 of 2025

Sidu Murmu
Vs.
The State of West Bengal & Ors.

Mr. Pradip Saren
Mr. Soumik Ghosh
Ms. Saweli Hembrom
..... for the petitioner

Mr. Jahar Lal De, learned AGP
Mr. Rudranil De
..... for the Stated

Mr. Narayan Chandra Bhandary
..... for the respondent no. 6

1. The petitioner had applied for the post of Librarian in the District of South 24 Parganas, under the Scheduled Tribe category.
2. The petitioner's grievance is that the present incumbent, who has been appointed in the same category, is actually not a person of the Scheduled Tribe category and in fact, belongs to a particular clan which has been classified as Other Backward Classes (in short "OBC").
3. This Hon'ble Court had occasion to consider the present dispute and had indeed directed the State to file a report, which has been filed and kept on record.
4. From the report it appears that the present incumbent, the private respondent no. 6, had

been appointed on the basis of a genuine Scheduled Tribe Certificate, as disclosed in the petition.

5. The petitioner alleges that being a person under the classification of “Kurmi Tribe”, the private respondent no. 6, is not qualified as a person under the category of Scheduled Tribe and rather as a person under the category of OBC-“B”.
6. Respondent no. 6 submits that “Mahato” is a generic title and does not signify the tribe or caste of the person using such surname. In fact, he has placed reliance on several orders, all of which hold that “Mahato” is a generic title and cannot be categorized into any particular caste. On the contrary, he has relied on a certificate issued by the Sub Divisional Officer (in short “SDO”), Canning, South 24 Parganas, that the said private respondent (respondent no. 6) belongs to the Scheduled Tribe under the classification of “Bhumij Tribe”. Hence, the said private respondent belongs to Scheduled Tribe category and has obtained a genuine certificate in respect thereof.
7. It is not in dispute that the respondent no. 6 has been given appointment as a Librarian on the basis of Scheduled Tribe Certificate issued in his favour by the concerned authority. Such

certificate, as disclosed, is genuine and has not been assailed or challenged in any manner whatsoever.

8. In view thereof, appointment of the respondent no. 6 cannot be held to be illegal or unlawful in any manner.
9. In view of the aforestated, the writ petition fails and is accordingly dismissed.
10. There shall, however, be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)