

WPA 5700 of 2026

Mir Mazharul Islam & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Ms. Anita Shaw
.... for the petitioners

Ms. Tapati Samanta
.... for the State

Mr. Biswaroop Bhattacharaya
Ms. Pramiti Bandopadhyay
Mr. Arka Kumar Nag
Mr. Rahul Kumar Singh
..... for the WBCSSC

1. Petitioners appeared in the second SLST examination in response to a Notification dated May 30, 2025. Petitioners' claim is that they should be classified under the reserve category for Economically Weaker Section (EWS).
2. Mr. Anjan Bhattacharya, learned Advocate appearing for the petitioners has made following submissions :
3. (a) The petitioners had applied for obtaining a certificate belonging to the EWS category on June 23, 2025 which they received sometime in August, 2025;
(b) The portal for filling up the form was initially opened till July 21, 2025 and was thereafter

extended by subsequent notices and addendums on July 12, 2025, July 30, 2025 and August 5, 2025. The last available dates were between August, 5, 2025 and August 12, 2025.

(c) The petitioners did not have the option to fill in the category at the inception while filling up the online form;

(d) Since the petitioners had already applied for obtaining the requisite certificate for EWS category and the time was extended till August 12, 2025, the petitioners ought to have been considered in the reserve category for EWS.

4. Mr. Biswaroop Bhattacharya, learned Advocate appearing for the Commission, has made the following submissions :

(i) The petitioners have approached the Court after delay of more than six months as they were aware that they would not be able to avail the reserve category of EWS in August 2025. The present writ petition has been filed only on February 27, 2026. This delay for making the instant writ petition cannot be condoned;

(ii) The question of being a part of the EWS category cannot arise for the first time and ought to have been opted by the petitioners at a time prior to June, 2025 as they were aware that they

wanted to participate in the online selection process under the said reserve category;

(iii) The question of delay has already been dealt with the Hon'ble Division Bench of this Hon'ble Court in FMA 32 of 2026 (Tanmoy Maity vs. The State of West Bengal & Ors.);

(iv) The issue raised by the petitioners herein is also squarely covered by a decision of a co-ordinate Bench of this Hon'ble Court in WPA 24256 of 2025 (Kamalakanta Maity & Ors. Vs. The State of West Bengal & Ors.).

(v)The issue is also covered by a decision of the Hon'ble Supreme Court of India in Divya vs. Union of India & Ors. Reported in (2024) 1 SCC 448.

(vi) The issue is also covered by a decision of Dolly Chhanda vs. Chairman, JEE & Ors reported in (2005) 9 SCC 779.

5. I have heard the learned Advocates appearing for the parties and considered the decisions relied upon by them. I have also perused the documents and considered the same.
6. The case made out by the petitioners is that they applied for EWS certificates but were not able to edit the application forms at the requisite time with the requisite certificates as the concerned authority had not been able to issue the

certificates within the stipulated time. However, it is not in dispute that the candidates had all received their certificates prior to the last date of updating and/or editing their category status in the online application forms.

7. It is also not in dispute that the petitioners did not have the requisite certificates to edit the application forms.
8. The moot question, therefore, is whether the timelines for editing the existing application forms which had been extended by various addendums till August 12, 2025 would *ipso facto* mean that the time to obtain the certificates and make a fresh application would also stand extended. On the date of registration none of the petitioners were equipped with the requisite certificates to signify that they all belonged to a reserve category (EWS). Thus, on the date of registration, the authorities cannot be faulted, as the petitioners did not make any assertion with the requisite certificates that they belong to the EWS category.
9. The timelines for applying for the post of Assistant Teachers in the 2nd SLST, 2025 was extended till July 21, 2025. Thereafter, what was extended by notices of July 30, 2025 and August 5, 2025 was merely the edit option and not the option for making any application which would alter the

existing application. This extension of timelines for editing the existing application forms and editing the requisite mistakes, additions, alterations cannot be construed as a sweeping right given by the authorities to change the existing status of any of the candidates. The status of the candidates has to be taken as on the date of registration. The petitioners on the date of registration, were without the requisite certificates that they belong to the EWS category and subsequently obtaining the certificates cannot in any event change the nature of the category under which they were registered.

10. In addition to the aforestated, even if one were to consider the right of the petitioners, being given an opportunity to change their status, they are faced with the question of delayed approach to this Hon'ble Court. The petitioners were aware that they had not been able to file the requisite certificates signifying them to be part of EWS category and chose not to approach this Court or even the authority concerned in any manner.

11. Mr. Anjan Bhattacharya, argues that the petitioners had approached this Court only after becoming successful and upon being allotted the requisite certificates. This ground is unfounded and unacceptable as the petitioners ought to have

been more diligent in approaching this Court or taking steps in protecting their rights which may have been altered by virtue of the certificates. The documents to be taken into consideration, for reserved category, has been specified in the notification dated May 30, 2025 bearing memo no. 1092/7016/CSSC/ESTT/2025, issued by the concerned authority on or before the last date of receiving applications, which was extended till July 21, 2025.

12. It was known to the petitioners or at least, ought to have been known that the EWS certificates are given and are valid only for a period of one year. This as the economic position of a family may change with the passage of time. If the petitioners belong to the EWS category and wanted to be considered as such, they ought to have been more diligent and approach the concerned authority within a reasonable time to obtain the requisite certificates.

13. The petitioners, on the date of advertisement or on the date of registration, did not have the requisite certificate and cannot at this belated stage be permitted to change the category in which they have applied even on a sympathetic approach that the petitioners are fighting for their career. Any opportunity given to the petitioners

would result in a complete disruption of the ongoing process and impinge upon rights of the other successful candidates and candidates who have at the inception applied under the EWS category.

14. As per the recruitment notification dated May 30, 2025, last date for filing the application form was July 14, 2025. The same was later extended by the Commission till July 21, 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.

15. In the instant case, it appears that the process of collecting documents required for obtaining the EWS certificates 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.

16. 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.

17. 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.

18. Here, none of the petitioners possessed the EWS certificate till the last date of filling the application form.

19. 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.

20. 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 had 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.

21. 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 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.

22. The Hon'ble Supreme Court in the matter of Mohit Kumar vs. State of Uttar Pradesh & Ors reported in 2025 SCC OnLine SC 1125 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 recruitment

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.

23. 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.

24. 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.

25. 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.

26. In view of the above, the prayer of the petitioners for treating them as reserved category candidates (EWS) cannot be allowed.

27. The writ petition, thus, fails and is hereby dismissed.

28. There shall, however, be no order as to costs.

29. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)