

25.03.2026
Item No.30
Ct. No.1
KS

W.P.A. (P) 113 of 2026
Sourav Dutta
Vs.
The State of West Bengal & Ors.

Mr. Indranil Roy, Sr. Adv.
Mr. Sumit Kr. Roy
Mr. S. Das

..... For the Petitioner

Mr. Swapan Kr. Dutta, Ld. G.P.
Mr. Nilotpal Chatterjee
Mr. Bikramjit Mondal

.....For the State

DICTATED BY SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsel.
2. Heard on admission.
3. Counsel for petitioner in this PIL has prayed for issuance of a Writ of Mandamus for complying with the direction of National Commission for Scheduled Castes i.e. dated 03.06.2024. In addition, petitioner prayed that the Caste Certificate of all employees appointed under reserve categories at Champagachi High School be examined.
4. The prayer is opposed by Sri Nilotpal Chatterjee and reliance was placed on a

judgment passed by this Court in WPA (P)

170 of 2025 (The All India Matua

Mahasangha & Ors. Vs. The State of West

Bengal & Ors.) decided on 02.09.2025.

5. This Court after considering the catena of

judgments of various Courts came to hold as

under:-

“19. This is trite that precedent is what has been actually decided and not what is logically flowing therefrom [see AIR 1968 SC 647 (*State of Orissa vs. Sudhansu Sekhar Misra & Ors.*), AIR 1976 SC 1766 (*Regional Manager & Anr. vs. Pawan Kumar Dubey*), AIR 1987 SC 1073 (*Ambica Quarry Works vs. State of Gujarat & Ors.* and *Ambalal Manibhai Patel & Ors. vs. State of Gujarat & Ors.*) and (2006) 1 SCC 368 (*Union of India & Anr. vs. Major Bahadur Singh*)]. This is equally settled that a different factual background may change the precedential value of a judgment (see *Bhavnagar University vs. Palitana Sugar Mill Pvt. Ltd. & Ors.* reported in 2003 (2) SCC 111). In the instant case, the judgments in *Neetu (supra)* and *Jaipur Shahar Hindu Vikas Samiti (supra)* are directly on the point of availability of statutory mechanism for the present grievance and therefore, we are inclined to follow the ratio decidendi of the these judgments.

20. As analyzed above, the petitioners not only have the statutory remedy under the SC/ST Act and Rules, they have admittedly availed it and their complains are pending consideration before the authority (Sub-Divisional Officer). At the cost of repetition, it may be remembered that Shri Kalyan Bandopadhyay, learned senior counsel has agreed that State has no objection if said Sub-Divisional Officer decides the aspect of issuance of caste certificates.

21. Thus, in tune with the judgment of Supreme Court in *Neetu (supra)* and *Jaipur Shahar Hindu*

*Vikas Samiti (supra), we are constrained to hold that this PIL is not maintainable. Petitioners' interest can be protected and controversy can be adjudicated in a mechanism created under the statute. Thus, PIL is not entertained. However, this order will not stand in the way of officials from examining the question in the right perspective and take a decision on validity of caste certificates in accordance with law. With aforesaid observation, PIL is **dismissed**."*

6. In view of this judgment, in our opinion, PIL is not maintainable and hence, it is not entertained. However, this order will not come in the way of officials from examining the Caste Certificates, in accordance with law.
7. With the aforesaid observation, PIL is dismissed.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)