

27.04.2026
SL No.9
Court No.12
(gc)

**MAT 725 of 2026
CAN 1 of 2026
CAN 2 of 2026**

**Supravat Mahanta
Vs.
The State of West Bengal & Ors.**

Mr. Samim Ahammed,
Mr. Arka Ranjan Bhattacharya,
Ms. Gulsanwara Pervin,
Md. Nasirul Haque,
Mr. Swarup Ranjan Kar

...for the Appellant.

Mr. Mir Anuruzzaman,
Mr. Jahangir Hossain

.....for the State.

Mr. Biswaroop Bhattacharya,
Mr. Rahul Kumar Singh

...for the WBCSSC.

Re: CAN 1 of 2026

1. This is an application for condonation of delay.
There is a delay of 94 days in preferring the appeal.
2. Considering the averments made in paragraphs 4 to 8 of the application, we are satisfied that the delay has been sufficiently explained.
3. Accordingly, the delay of 94 days is condoned.
4. CAN 1 of 2026 is, accordingly, allowed and disposed of.
5. The appeal is regularized.

**Re: MAT 725 of 2026
CAN 2 of 2026**

6. The appeal has been filed challenging an order dated December 10, 2025. By the order impugned, the learned Court dismissed the writ petition. His Lordship held that, the appellant had obtained a EWS certificate from the concerned authority for the financial year 2020-2021. In 2022, the appellant obtained an OBC certificate, instead of EWS certificate. Thus, he was not in possession of the EWS certificate and he could not be allowed to participate in the recruitment processes as an EWS category candidate.
7. The appellant participated in the recruitment processes initiated by the West Bengal Central School Service Commission for appointment of Assistant Teacher for Classes IX to XII by way of two separate recruitment processes. The appellant applied for consideration of his candidature in both the recruitment processes. The appellant although intended to be treated as EWS category candidate, he could not upload the EWS certificate even on the last date of filing such online application, as his certificate had not been granted by the authority.

8. Mr. Ahammed, learned Advocate for the appellant submits that the appellant had applied before the concerned authority for issuance of the EWS certificate, but the said authority sat tight over the matter. The appellant cannot be penalized for the delay on the part of the authority in issuing the EWS certificate. Under such circumstances, it is prayed that the order of His Lordship should be set aside and the Central School Service Commission must be directed to treat the appellant as an EWS category candidate on the basis of the pending application.
9. The Central School Service Commission had made an incorrect statement before His Lordship that the recruitment process was almost over and on such ground the writ petition was dismissed. Mr. Ahammed submitted that the learned single Judge was misled and accordingly dismissed the writ petition.
10. It is further submitted that His Lordship failed to appreciate that the acknowledgment slip indicating that an application had been filed before the authority for issuance of the EWS certificate was adequate compliance of the requirement to produce the certificate by the appellant at the recruitment process.

11. Mr. Bhattacharya, learned Advocate for the Commission submits that the process of recruitment are nearing conclusion. He further submits that after 2021, the appellant did not have any EWS certificate. Had he obtained a certificate for the financial year 2024-2025, which had expired on 31st March, 2025, in that event, the acknowledgement slip for the subsequent application could have been at least considered. At present, he does not have any EWS certificate. The last certificate was for the financial year 2020-2021 and as such, the acknowledgement slip granted in respect of the pending application cannot be considered.

12. Learned Advocate for the Sub-Divisional Officer and the State respondents, submits that the petitioner had been issued EWS certificate for the financial year 2020-2021. He was a general category candidate. Thereafter, the appellant availed of OBC certificate and he was placed under OBC-B category. It is submitted that unless the said OBC-B certificate is surrendered and cancelled, a EWS certificate cannot be granted to the appellant. His Lordship noted that the appellant could not take advantage of two categories of reservation.

13. The records reveal that the application for surrender of OBC-B certificate is pending and that has not yet been decided. A fresh EWS certificate cannot be processed, until the OBC-B certificate is cancelled. The appellant cannot take benefit of both such reservations.
14. Under such circumstances, the State authorities are directed to take appropriate steps with regard to both the pending applications of the appellant, strictly in accordance with law.
15. The State authorities will proceed with the matter as directed hereinabove within a period of eight weeks from date and pass necessary orders, upon hearing the appellant.
16. This order shall not have any bearing on the recruitment processes, which the Commission has almost concluded.
17. Accordingly, the appeal and the connected application are disposed of.
18. There shall be no order as to costs.
19. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)