

12.02.2026
Item No.03
Court No.11
Avijit Mitra

**FMA 32 of 2026
with
IA No.CAN 1 of 2026**

**Tanmoy Maity
- Versus -
The State of West Bengal & ors.**

Mr. Anjan Bhattacharya,
Mr. Hemanta Kumar Das
....for the appellant
Mr. Sirsanyo Bandyopadhyay,
Sr. Standing Counsel
Ms. Deboleena Ghosh
....for the State
Mr. Kalyan Bandyopadhyay, Sr. Adv.,
Mr. Biswaroop Bhattacharya,
Ms. Pramiti Bandyopadhyay,
Mr. Rahul Kumar Singh
...for the WBCSSC

Affidavit-of-service filed in court today is taken on record.

The present appeal is directed against the order dated 26th November, 2025, whereby the writ petition, preferred seeking a direction upon the concerned respondents to update the appellant's reservation certificate and to treat him as a candidate belonging to the Economically Weaker Section (in short, EWS) category, was dismissed.

Mr. Bhattacharya, learned advocate representing the appellant, submits that the appellant participated in the 2nd State Level Selection Test (in short, SLST), 2025. He being a candidate belonging to Economically Weaker Section (for short, EWS) category applied for a certificate before the competent authority in May, 2025. However, the said

certificate dated 20.07. 2024 with validity for the year 2024-25 was received by the appellant only on 10th September, 2025.

He further submits that the last date fixed for candidates to edit/update their category was 12th August, 2025. However, due to non-receipt of the certificate in time, the appellant could not update his category. He submits that on 24th September, 2025, the appellant, by submitting a representation, brought this fact to the notice of the Commission. However, despite receipt of such representation, no effective steps have been taken in this regard.

He submits that the appellant is a meritorious student who secured 49 marks, whereas the cut-off marks for the candidates belonging to EWS category was 33. Had the certificate been issued to the appellant prior to August 2025, he would have updated his category and could have offered his candidature under the EWS category.

He submits that, in the absence of such certificate, the appellant was compelled to declare himself as a candidate belonging to the general category, for which the cut-off marks were fixed at 51. As a result, the appellant is likely to be deprived from securing a job despite being a candidate belonging to ESW category.

He submits that, considering this aspect and taking a pragmatic view, the Commission be directed to permit the appellant to update his category and to consider his candidature for the post as a candidate belonging to the EWS category.

Mr. Bandyopadhyay, learned Senior Advocate representing the Commission, submits that the certificate dated 20th July, 2024 was issued in favour of the appellant is applicable for reservation for civil posts and services and admission in educational institutions under the control of Government of India only. However, he submits that the conduct of the appellant is not commendable, and in this manner, this legal remedy was not pursued diligently. He further submits that in the present case, the writ petition was filed on 19th November, 2025, and heard on 26th November, 2025, whereas interview list was published on 15th November, 2025 and the final list was published on 21st January, 2026. The appellant has now come forward to press the present intra-court appeal only in February, 2026.

He submits that if the appellant's representation is considered and his prayer succeeds, such success would inevitably unsettle settled matters and may also deprive another successful candidate.

Heard the learned Advocates appearing for the respective parties and perused the materials on record placed before us.

Admittedly, the last date for updating and/or editing the category was fixed by the Commission as 12th August, 2025, and the appellant received the certificate dated 20th July, 2024 only on 10th September, 2025. Without entering into any debate as to whether such certificate would be acceptable in the present selection process, it can safely be observed that the appellant submitted his representation only on 24th September, 2025, and filed the writ petition almost two

months thereafter, i.e., on 19th November, 2025, which was heard and dismissed on 26th November, 2025. Lastly, the appeal has been pressed in February, 2026; in the meantime, the final list has been published.

We agree with the submission of Mr. Bandyopadhyay if such claim of the appellant is taken into consideration at this stage, the same would have the effect of unsettling settled matters. Taking note of this aspect, the learned Single Judge declined to entertain the appellant's prayer. We do not find any infirmity in that decision. As such, we do not find any justifiable ground to interfere with the order impugned.

Accordingly, the appeal and the connected application are, thus, dismissed. However, there shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty,J.)