

15
04.02.2026
Court. No. 25
D.Hira

WPA 29398 of 2025

Nikita Mondal
Vs.
The State of West Bengal & Ors.

Mr. Kazi Ardan Ali,
Ms. Asmita Mitra,
Mr. Masooq Rahman.
... for the petitioner

Mr. Arka Kumar Nag,
Mr. Rahul Kumar Singh.
... for the WBCSSC

Mr. Vivekananda Bose,
Mr. Ranjit Rajak.
... for the State

1. The petitioner has challenged the impugned order dated 11th December, 2025 issued by the Additional District Magistrate (Development), Jhargram wherein the request of the petitioner for grant of Economically Weaker Sections (in short "E.W.S.") certificate in Annexure-C format is rejected on the ground that the E.W.S. certificate in Annexure-C format is explicitly restricted to the persons who do not fall under any of the reserved category of SC, ST or OBC. It was further observed by the Additional District Magistrate that the petitioner is now a member of a State-notified OBC community, she is covered under the OBC reservation scheme of the State and is not eligible for availing an E.W.S. certificate in Annexure-C format.

2. The Additional District Magistrate has rejected the claim of the petitioner for issuance of E.W.S. certificate under Annexure-C format but it is clarified that the order passed by the authority shall not precluded the petitioner's right to submit a fresh application for a E.W.S. certificate in Annexure-D format, provided she fulfils the other prescribed eligibility criteria.
3. The contention of the petitioner in the present writ application is that the authority has issued the E.W.S. certificate for the year 2024-2025 but all of a sudden, by a notification, the petitioner has been brought under the category of OBC but the petitioner is not intending to continue with the OBC and intending to continue with the E.W.S. category. The authority has considered the request of the petitioner and found that as per the notification, the petitioner is coming under the OBC category in the State list and thus, the petitioner is not entitled to get the E.W.S. certificate under Annexure-C Format.
4. Learned counsel appearing for the State submits that the authority had given a personal hearing to the petitioner and at the time of hearing the authority found that the petitioner has been brought under the reserved category of OBC. Thus, the petitioner is not entitled to get the E.W.S. certificate in Annexure-C format.

5. Considered the submissions made on behalf of the learned counsel for the respective parties and perused the materials on record and the impugned order. Admittedly, the authorities have issued the E.W.S. certificate to the petitioner for the year 2024-2025. But in the meantime, the notification has been issued by the Government wherein SADGOPE community was recognized as an OBC in the State List with effect from 3rd June, 2025.
6. It is also admitted that the petitioner is the SADGOPE community and thus the petitioner is coming under the OBC category in the State list with effect from 3rd June, 2025. Now the petitioner submits that he will not intends to continue with the OBC in the State list and he intends to continue with the E.W.S. category.
7. In view of the above, the petitioner is given liberty to file a necessary application with an undertaking before the Additional District Magistrate, Jhargram and with an undertaking that he will not claim any benefit under the OBC category if an E.W.S. certificate is issued to the petitioner for the year 2025-2026. If the petitioner made any application with an undertaking, the Additional District Magistrate shall consider the request of the petitioner and pass an appropriate order and if the authority found that the petitioner will not claim any benefit under the OBC category and E.W.S.

certificate can be issued, the certificate can be issued in favour of the petitioner within three weeks from the date of receipt of this order.

8. WPA No. 29398 of 2025 is disposed of.
9. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Krishna Rao, J.)