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Mahamadul Hasan Gayen vs State Of West Bengal & Ors on 7 July, 2026

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Calcutta High Court (Appellete Side)

Mahamadul Hasan Gayen vs State Of West Bengal & Ors on 7 July, 2026

07.07.2026
Court No.25
D/L No.12

In the High Court at Calcutta
S. Gayen Constitutional Writ Jurisdiction
Appellate Side

WPA 15380 of 2026
Mahamadul Hasan Gayen
Versus
State of West Bengal & Ors.

Mr. Ranajit Chatterjee
Mr. R. N. Chakraborty
Mr. Supratick Syamal
Mr. Saikat Thakurata
Mr. Rahul Singh
...for the Petitioner

Mr. Subhrangsu Panda
Ms. Ina Bhattacharyya
Ms. Mithu Singha Mahapatra
...for the WBCSC

Mr. Loknath Chatterjee, Jr. SC
Mr. Guddu Singh
...for the State

1. The petitioner has filed the present writ application challenging the notifications being 944-BCW/MR-23/2026 and 945-BCW/MR-23/2026 both dated May 18, 2026. The petitioner also prayed for an order directing the respondent authorities to permit the petitioner to participate in the selection process for the post of Assistant Professor as an OBC candidate treating his OBC certificate dated March 27, 2026.

2. Learned counsel appearing for the State raised objection and submits that the writ petition is not maintainable. He submits that initially the Hon'ble Division Bench of this Court has passed an order staying the notification issued by the State Government being No. 917-BCW/MR-33/2025. The order of the Hon'ble Division Bench was challenged before the

Hon'ble Supreme Court and the Hon'ble Supreme Court by an order dated July 28, 2026 stayed the

operation of the order passed by the Hon'ble Division Bench dated June 17, 2026. Pending the SLP before the Hon'ble Supreme Court, the State Authorities have issued the notifications being 944-BCW/MR-23/2026 and 945-BCW/MR-23/2026 both dated May 18, 2026.

The said notifications were challenged in a Public Interest Litigation before the Hon'ble Division Bench of this Court being WPA(P) 305 of 2026 (Right And Justice Foundation & Anr. vs. The State of West Bengal & Ors.).

the Hon'ble Division Bench by an order dated July 3, 2026 passed the following order:-

> "Indisputably, the judgment delivered by a coordinate Bench of this Court on 22nd May, 2024 has been challenged before the Hon'ble Supreme Court and the said SLP is still pending. The order passed by this Court on 17th June, 2025 in the writ petition challenging the earlier notifications has also been assailed before the Hon'ble Supreme Court and in the said SLP an order has been passed on 28th July, 2025 staying the operation of the order of the High Court dated 17th June, 2025.
> In course of hearing of the first SLP on 18th March, 2025, it was submitted on behalf of the State that the State is examining the issue of backward classes afresh and, accordingly, the Hon'ble Supreme Court deferred the final hearing of the matter and the said SLP is pending. In view thereof, the decision ultimately taken by the State vide notification dated 18th May, 2026 has to be placed before the Hon'ble Supreme Court in the pending SLP.
> 3
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> In the said conspectus and since the Hon'ble Supreme Court is in seisin over the issues primarily urged in the present writ petition, we are not inclined to entertain the present PIL. For the reasons discussed above, the PIL being WPA (P) 305 of 2026, along with the connected application, are dismissed."

3. Now the petitioner has challenged abovementioned notifications dated May 18, 2026 in the present writ application.

4. This Court finds that initially by way of a Public Interest Litigation the said notifications have been challenged before the Hon'ble Division Bench. The Hon'ble Division Bench by an order dated July 3, 2026 dismissed the Public Interest Litigation on the ground that the said notifications have been placed before the Hon'ble Supreme Court wherein an SLP is pending.

5. Once the Hon'ble Division Bench has decided the fate

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of the said notifications, now this Court sitting singly cannot overwrite the order of the Hon'ble Division Bench.

6. Accordingly, WPA 15380 of 2026 is dismissed.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

8. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)

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