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Hasibur Rahaman Mondal & Ors vs The State Of West Bengal & Ors on 18 August, 2026

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Calcutta High Court (Appellete Side)

Hasibur Rahaman Mondal & Ors vs The State Of West Bengal & Ors on 18 August, 2026

Author: Rajasekhar Mantha

Bench: Rajasekhar Mantha

18.08.2026
Court No.13
Item No. 231
sp

MAT 1374 of 2026
With
CAN 1 of 2026
Hasibur Rahaman Mondal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed.
Mr. Enamul Islam.
... For the appellants.
Mr. Surajit Nath Mitra, ld. A.G.,
Mr. Piush Chaturvedi,
Mr. Chandrachur Lahiri.
... For the State.

Mr. U.S. Menon,
Mr. Abhirup Chakraborty.
..For the respondent no. 4.

Mr. Billawadal Bhattacharyya, ld. AAG,
Mr. Srijib Chakraborty,
Mr. Aditya Mondal.

..For the WBMCC.

1. The short question that comes for consideration in the instant appeal is whether a person who submitted online application and sat in the written test as a general candidate can claim the benefit of reservation under EWS at the time of counselling, for having obtained EWS certificate subsequently.

2. For addressing the above, the facts of the case are relevant. The appellants/writ petitioners applied for participating in the NEET UG 2026 around the 17 and 18th March, 2026. They declared themselves general

category candidates. They sat for the examination and secured above 50% marks in the said competitive examination. Each of them subsequently obtained an

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EWS certificate from the State valid from 1 st April, 2026 till 31st March, 2027.

3. The respondents refused to allow the applicants to change their status from general to reserved category (EWS) in course of counselling since the EWS certificate was obtained after examination was conducted. Aggrieved by the same, the writ petitioners challenged the guidelines issued by the West Bengal Medical Council Committee (WBMCC).

4. The said guidelines of the aforesaid WBMCC are based substantially on the NEET UG guidelines contained in its information bulletin.

5. Mr. Ahammed, learned counsel for the appellants would argue that the respondents have discriminated against his clients. Such discrimination is alleged on the ground, while candidates of the OBC category in the State have been permitted to change their category from the OBC-A & OBC-B to any of the classes of OBC recognized by the National Commission for Backward Classes even at the time of counselling, such change of category is not permitted for persons falling under the EWS category.

6. This Court, however, notes that the change permitted by the WBMCC for OBC candidates was occasioned primarily due to a peculiar situation that arose in the State of West Bengal. Vide a judgment and order dated 22nd June, 2024 passed, inter alia, in WPA 22145 of 2010, a Co-ordinate Bench of this Court had struck down the declaration of 104 classes of OBC-A & B, post 2010, in the State of West Bengal.

7. The State, thereafter sought to reintroduce the said 104 classes as OBC-A & B by notifications issued in May & June, 2025 under the West Bengal Backward Classes Commission Act, 1993. Upon fresh writ petitions in the form of PIL is being filed challenging in such reintroduction, this Court had stayed the reintroduction of OBC-A & B vide Executive Orders of

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May & June, 2025. By an order order dated 17 th June, 2025 passed in WPA (P) 111 of 2025. The said interim order passed by the Co-ordinate Bench came to be stayed by the Supreme Court in several SLPs filed by the State and the Backward Classes Commission.

8. Sometime in May, 2026, the Special Leave Petition filed by the State of West Bengal as well as the Backward Classes Commission challenging this Court's judgment and order dated 22nd May, 2024 as also the SLPs challenging the interim order order dated 17 th June, 2025 passed in WPA (P) 111 of 2025, were withdrawn. The interim order of this Court revived.

9. The net result of the entire proceedings as indicated above was that only those classes that were OBCs prior to 2010 remained with 7% reservation.

10. It is essentially in this light of this back and forth that the OBC category candidates in the State of West Bengal were permitted to change their OBC status, pre and post T However, the persons belonging to the EWS category therefore cannot claim parity with OBC candidates.

11. A person claiming to be economically weak, must be aware of the same and possess a certificate to that effect at the time of making of the applications. The appellants/writ petitioners before this Court admittedly did not possess any such certificate at the time when they made applications to participate in the NEET UG examination conducted by the National Testing Agency (NTA). It must, therefore, be presumed that they were not economically backward at that time.

12. Post the applications and examinations, at the time of counselling even if a candidate has obtained a EWS certificate, he cannot be permitted to change his status. Apart from the prejudice and inconvenience to be caused to the NTA in making and earmarking seats for the reserved category of candidates, this Court is not satisfied that a person who was not economically weak

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in March, 2026, suddenly becomes economically weak in April, 2026.

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13. The EWS candidates have not suffered the uncertainty that was undergone by the OBC candidates. There is intelligible differentia between the OBC and EWS candidates in this year, with a rational nexus to justify the change permitted for the OBC candidates in West Bengal.

14. In the light of the above, this Court does not find any reason to interfere with the rules in question for the EWS category. It is reiterated that it is only the category declared at the time of making the application form and not any subsequent change of categorization that can be entertained by the respondents, at the time of counselling.

15. The EWS category, is distinct and different from other categories of reservation like OBC, SC and ST. A person falling under the latter categories, may remain for a life time in such category as opposed to a person falling under the former category, i.e., EWS. A person may or may not remain in such category with the passage of time. It is essentially in this light that a EWS certificate is valid and issued for a particular financial year.

16. In the light of the above, the impugned judgment and order passed by the learned Single Bench dated 14.08.2026, calls for no interference.

17. MAT 1374 of 2026 shall stand disposed of.

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18. Consequently, CAN 1 of 2026 shall also stand disposed of.

19. There shall be no order as to costs.

20. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Anuj Singh, J.)

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