18.08.2026
Court No.1
Item Nos.04 & 05
Avijit Mitra

WPA (P) 275 of 2026

Dr. Md. Adil Hossain
- Versus –
The State of West Bengal & ors.

with

WPA (P) 300 of 2026

Communist Party of India (Marxist Leninist) Liberation, West Bengal State Committee & anr.
- Versus –
State of West Bengal & ors.

Mr. Sabyasachi Chatterjee,
Mr. Abhishek Halder,
Mr. Imtiaz Akhtar,
Mr. Badrul Karim,
....for the petitioner
in WPA (P) 275 of 2026
Mr. Surajit Nath Mitra, Ld. Advocate General,
Mr. Rajdeep Mazumder, Ld. AAG,
Mr. D.N. Ray, Ld. G.P.
Mr. Ajit Kumar Mishra, Ld.AGP,
Mr. Gopal Krishna Sarkar,
Mrs. Tapasi Palit Sinha,
Mr. Monojit Chakraborty,
Ms. Puja Sonkar,
Ms. Sneha Dutta,
Mr. Milind Mohul Ghosh
....for the State
in WPA (P) 275 of 2026
Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.,
Mr. Raghunath Chakraborty,
Mr. Supratick Shyamal,
Mr. Rahul Singh,
Mr. Saikat Thakurata,
Ms. Dipanwita Das
... for the petitioners
in WPA (P) 300 of 2026
Mr. Surajit Nath Mitra, Ld. Advocate General,
Mr. Rajdeep Mazumdar, Ld. AAG,
Mr. Ajit Kumar Mishra, AGP,
Mr. Gopal Krishna Sarkar,
Ms. Sneha Dutta,
Mr. Milind Mohul Ghosh
....for the State
in WPA (P) 300 of 2026

As the issues involved in both the Public Interest Litigations appear to be identical, the same are taken up for hearing analogously, with the consent of the parties.

Mr. Bhattacharyya, learned senior advocate appearing for the petitioners submits that by the impugned memo dated 14th May, 2026, the Secretary to the Government of West Bengal, Backward Classes Welfare Department has directed re-verification of the caste certificates since the year 2011. It would appear from the said memo that such decision was taken in a review meeting chaired by the competent authority and the District Magistrates of all districts were requested to '*advise all the Sub-Divisional Officers, who are the certificate issuing authorities, to re-verify all the Caste Certificates issued since 2011*'. In the penultimate paragraph of the impugned memo it has been also directed that '*any laxity in this regard will be viewed accordingly and personal liability of the issuing authority shall be fixed.*' Such directions, according to Mr. Bhattacharyya, are hit by the *doctrine of dictation*. Once the statute confers discretionary power upon a designated authority, the said authority has to exercise such power independently and not at the dictates of a superior authority. In view thereof, the impugned memo suffers from a jurisdictional error.

He further argues that the impugned memo conflates the issue of caste certificates with that of voting rights when such a condition does not stand incorporated in Sections 9 and 10 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (hereinafter referred to as the Act of 1994) and Rules 3 to 7 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995 (hereinafter referred to as the Rules of 1995).

Mr. Mitra, learned Advocate General appearing for the State respondents denies and disputes the contention of Mr. Bhattacharyya and submits that there is no error in the decision towards re-verification of all the caste certificates issued since the year 2011 and the reasons towards adoption of such decision have been detailed in the preceding five paragraphs of the said memo. A designated statutory authority always has the jurisdiction to cancel a caste certificate in terms of the provisions of the Act of 1994 and of the Rules of 1995.

Drawing our attention to the updated guidelines for issuance of OBC certificates, Mr. Mitra submits that one of the eligibility criterion towards issuance of caste certificate is that the incumbent must have a Permanent Account Number (PAN) of self or parent(s). In view thereof, the cases where the person's name has been deleted from the voter list, the designated

authority can certainly consider the validity of the caste certificate. The said two issues are inextricably bound. Furthermore, in the penultimate paragraph of the impugned memo, there is no specific direction towards direct cancellation of such caste certificates. In such circumstances, no interference is called for in the present Public Interest Litigations.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

From the impugned memo it appears that on the basis of a decision adopted in a review meeting chaired by the competent authority, all the Sub-Divisional Officers have been advised to re-verify all caste certificates issued since 2011 and that as such, *prima facie* it cannot be ruled out that the designated authorities have been asked to execute the instruction of a superior officer.

The directions contained in the penultimate paragraph of the impugned memo, *prima facie,* appear to be a fresh ground towards cancellation, impounding or revocation of the caste certificate.

In the said conspectus and as, *prima facie,* an arguable case has been made out by the petitioners, the operation of the impugned memo dated 14th May, 2026 issued by the Secretary, Government of West

Bengal, Backward Classes Welfare Department, shall remain stayed till the disposal of the PILs.

The respondents are directed to file their affidavits-in-opposition within a period of four weeks. Replies thereto, if any, be filed within two weeks thereafter.

The parties would be at liberty to mention the matters for final hearing after expiry of the period specified above towards exchange of affidavits.

We, however, make it clear that this *interim* order shall not prevent the designated authorities from acting in terms of the provisions of the Act of 1994 and the Rules of 1995.

(Atarup Banerjee, J.) **(Tapabrata Chakraborty, A.C.J.)**