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Mir Mazharul Islam & Ors vs The State Of West Bengal & Ors on 14 September, 2026

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Calcutta High Court (Appellete Side)

Mir Mazharul Islam & Ors vs The State Of West Bengal & Ors on 14 September, 2026

Author: Rajasekhar Mantha

Bench: Rajasekhar Mantha

14-09-2026
ct no. 13
Sl. 40
sp

F.M.A. 1002 of 2026
With
CAN 1 of 2026
With
CAN 2 of 2026
Mir Mazharul Islam & Ors.
-Versus-
The State of West Bengal & Ors.

Mr. Subir Sanyal, ld. Sr. Adv.
Mr. Chittapriya Ghosh,
Mr. Somesh Kumar Ghosh,
Ms. Priyanka Saha,
Mr. Sourajit Mukherjee,
Mr. Suman Mukherjee.
...for the appellants.

Mr. Debapriya Gupta, ld. A.G.P.,
Mr. Pradip Kumar Das.
..for the State.

1.
Despite service of notice neither the West Bengal School Service Commission (SSC) nor their advocate Mr. Nilanjan Bhattacharya is present before this Court. Copy of the notices dated 10th September, 2026 issued by the learned advocate for the appellants to them are kept with the record.

2. The appeal is directed against judgment and order dated 24th March, 2026 passed by a Single Bench of this Court in WPA 5700 of 2026 (Mir Mazharul Islam & Ors. Vs. The State of West Bengal & Ors.). By the said judgment,

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the Single Bench dismissed the writ petition filed by the appellants.

3. The facts relevant to the case are that the

appellants and each of them applied for participation in the recruitment process for the post of Assistant Teacher in the 2nd State Level Selection Test (SLST) (AT) in the year 2025 was published on 30th May, 2025. The last date for submission of applications was initially 14 th July, 2025. The said date was initially extended upto 25th July, 2025.

4. Certification as belonging to the Economically Weaker Sections of the Society (EWS) mandates submission of the notification in which the EWS candidates intend to participate in. Upon publication of the notification of the said recruitment process on 30th May, 2025, the applicants annexing a copy of the said notification, and after collecting all relevant documents, applied before the BDOs concerned for issuance of an EWS certificate on 26th June, 2025. They obtained the certificate issued by the Additional District Magistrate on 30th July, 2025 albeit after last date for submission of applications under the aforesaid 2nd SLST.

5. At the relevant point of time, a Co-ordinate Bench of this Court had on 22 nd May, 2024, struck down the OBC classification in the State from 2010 onwards. As many as about 5 lakh certificates issued to the members of various communities purportedly backward came to be struck down. The State in turn re-notified the same classes struck down as OBCs by a subsequent notification which came to be stayed in another writ petition by the Co-ordinate Bench of this Court. Such order of stay of the Co-ordinate Bench came to be interfered with by the Supreme Court.

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6. In the light of the above, several candidates belonging to the OBC category, were in a quandry as regards to their actual status. It is essentially in this light and for various other reasons that the SSC notified to all the candidates that the categorization certificate for reserved classes would have to be uploaded for scrutiny on a date subsequent to the date of submission of the applications.

7. The first of such deferment was notified by the School Service Commission on 24th June, 2025. The writ petitioners/appellants, therefore, could not have submitted their

certificate under the EWS category even if they possessed one on the date of application.

8. In the light of the aforementioned uncertainty for some reserved category candidates, the last date for submission of application for participation in the 2nd SLST was also deferred and extended until 25th July, 2025.

9. Initially editing the application form to indicate the category of the applicants (EWS/OBC etc.), to the SSC was opened from 5 th August, 2025 till 11th August, 2025. The said date for editing of option to the SSC was extended to 12 th August, 2025.

10. It was specified in the notice dated 5 th August, 2025 published by the SSC that even general category candidates in addition to the SC, ST, EWS and Physically Handicapped (PH) would have to specify by editing their application forms the category they belonged to.

11. The writ petitioners/appellants applied for EWS certification between 23rd June, 2026 to 26th June, 2026. They were prevented from doing so earlier since the notice for recruitment was published only on 30th May, 2025 and they

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had to collect several other categories of documents for certification by the BDO and the

others in that hierarchy. They obtained EWS certificates around 30th July, 2025. This was beyond the last date of applications published on 30th May, 2025. The applicants were, however, eligible to apply under the EWS category in view of the extension of time until 12th August, 2025 as already stated hereinabove.

12. The Single Bench, therefore, could not have held that the applicants did not have a valid EWS certification even as on the extended date of submission of applications for the 2nd SLST.

13. Let us look at the issue as regards the ability of the applicants to submit the EWS certificate considering the date of notification as 30 th May, 2025 and the last date of submission of applications for recruitment under the SLST being 14th July, 2025.

14. As already discussed hereinabove, it is only upon submission of a copy notification for recruitment that a candidate who is economically weak can apply for the certification as EWS in the first place. Hence, ordinarily no candidate who intends to participate in the 2nd SLST may have a valid certification under EWS at all. It must be noted

here that an EWS certificate is valid only for a financial year and at the risk of repetition he can only apply if he intends to participate in a specified recruitment process. Unlike certification under the ST&SC and OBC category which may be valid for a lifetime, an EWS certificate is only valid for one financial year.

15. In the light of the aforesaid discussion, it is

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clear and explicit that it is only after publication of notice of recruitment that a person is entitled to apply for EWS certification. Given the vagaries and time taken by Government Department to issue statutory certification, the writ petitioners/appellants are required to be treated as at par with OBC candidates whose certification as such OBCs, remained uncertain in view of the litigation in that regard as already discussed hereinabove.

16. Even assuming for the sake of argument, there was no uncertainty with regard to the OBCs in the State and no litigation in this regard occurred, candidates under the EWS category would and must be given an opportunity to produce their EWS certificates, even beyond the last date of application. The notification

inviting applications, in this case by the SSC published on 30th May, 2025 being the point in issue. But for such publication, no certification under EWS could at all be applied for.

17. The Single Judge, therefore, committed error in holding that the prejudice would be caused to other candidates. This Court does not see any such prejudice.

18. In any event, each and every candidate irrespective of reserved category (SC, ST, OBC, PH and EWS) were permitted to edit and specify the exact categories and such period for indicating the category to which the candidate was under editing, was extended from time to time until 12th August, 2025.

19. It would be appropriate to mention here that having realized the nature and procure for obtaining EWS certification, the Backward Classes Community of the State had issued a notification dated 10th August, 2026 permitting

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the candidates who have obtained EWS certification post the last date of application to be permitted to participate in the recruitment processes in the State. Such notification has further been withdrawn by the State in a

subsequent communication dated 1st September, 2026.

20. For the reasons stated hereinabove, the impugned judgment and order dated 24 th March, 2026 passed by a Single Bench of this Court in WPA 5700 of 2026 shall stand set aside. The writ petition is allowed.

21. Each of the writ petitioner and the appellants shall be treated in the EWS category upon due verification of their certification by the SLST, and their applications shall be processed in that category, if found correct by the SLST.

22. With the aforesaid observations, FMA 1002 of 2026 is allowed and disposed of.

23. Consequently, all connected pending applications shall also stand disposed of.

24. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)

(Anuj Singh, J.)

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