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Arindam Saha & Ors vs Mir Mazharul Islam & Ors on 23 September, 2026

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Calcutta High Court (Appellete Side)

Arindam Saha & Ors vs Mir Mazharul Islam & Ors on 23 September, 2026

Author: Rajasekhar Mantha

Bench: Rajasekhar Mantha

23.09.2026
Court No.13
Item Nos.10 & 12
AP

RVW 239 of 2026
With
CAN 1 of 2026
And
CAN 2 of 2026
And
CAN 3 of 2026
Arindam Saha & Ors.
Vs.
Mir Mazharul Islam & Ors.
With
RVW 241 of 2026
With
CAN 1 of 2026
And
CAN 2 of 2026
Tripti Kumar Pradhan & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sirsanya Bandhyopadhyay,
Mr. Md. Danish Farooqui
...For the Review Applicants.

Mr. Subir Sanyal, Senior Advocate
Mr. Chittapriya Ghosh
Mr. Somesh Kumar Ghosh
Ms. Komal Singh
Ms. Priyanka Saha
Mr. Suman Mukherjee
... For the Appellants.

Mr. Indranil Roy, Senior Advocate,
Mr. Sunit Kumar Roy.
...For the School Service Commission.

Mr. Debapriya Gupta, AGP
Mr. Pradip Kumar Das
...For the State in R.V.W. 239 of 2026.

Mr. Ajit Kumar Mishra, AGP,
Mr. Raj Mohan Chattoraj,
Mr. Sanjit Singh,
Mr. Ankit Mishra.
...For the State in RVW 241 of 2026.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta.
...For the WBBSE.

Mr. Pratik Dhar, Senior Advocate,
Mr. Samir Halder

Mr. S. Sinha

...For the Intervener in CAN 3 of 2026
in R.V.W. 239 of 2026.

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1. Review is sought of this Court's judgment and order dated 14th September, 2026 passed in FMA 1002 of 2026 (Mir Mazharul Islam & Ors. Vs. The State of West Bengal & Ors.). Mr. Sirsanya Bandhyopadhyay, learned counsel for the review applicants is supported by the West Bengal School Service Commission in toto.

2. Mr. Bandhyopadhyay appearing for the review applicants represents persons, who are not parties to the writ petition or the appeal. He submits that his clients are adversely affected by this Court's order dated 14th September, 2026. His clients are persons belonging to the EWS category, who are certified as EWS prior to 21st July, 2025.

3. It is submitted, by reason of permitting the appellants/writ petitioners to participate in the recruitment process as EWS candidates the number of candidates competing for limited posts reserved for the EWS would stand automatically increased severely prejudicing the chances of his clients of being recruited. The applicants in RVW 239 of 2026, therefore, have locus standi to maintain the present application.

4. Mr. Sanyal appears for the appellants, however, submits that both the appellants and the review applicants are in the list of successful candidates.

5. This Court, however, holds that given the prejudice likely to be suffered by the applicants, the subject review application is maintainable by the applicants herein.

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6. The grounds for review urged are that the requirement of BDOs of three districts namely Nadia, Paschim Medinipur and Bankura could not have specified the recruitment notification issued by the SSC to be included in the application for EWS Certification.

7. He submits that the same is completely contrary to the rules for EWS certification published by the Backward

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Classes Commission of the State. He submits that like his clients, the appellants were not debarred from applying for EWS certification prior to issuance of the recruitment notice by the SSC on 30th May, 2025. His clients have applied and got EWS certificaztion before 30th May, 2025 for FY 2024 - 2025.

8. It is, therefore, argued that the very foundation of the order dated 14th September, 2026 is incorrect. The demand by the BDO of the recruitment notification to be submitted along with an application for certification as EWS is grossly illegal and arbitrary. The appellants/writ petitioners have, therefore, advanced a specious argument that they could not apply for EWS certification prior to 30th May, 2025 and hence the order dated 14th September, 2026 must be reviewed and revisited.

9. It is next argued by Mr. Bandhyopadhyay that the only and only cutoff date for submission of categories of reservation was 21st July, 2025. The subsequent notices dated 30th July, 2025 and 5th August, 2025 were merely enabled applicants to edit options of categories for all candidates including general category candidates. The said

notification of the SSC cannot be understood as extending the last day of submission of applications much less alteration of the original categorization submitted by each applicant before the last date of submission of application i.e. 21st July, 2025.

10. This Court is of the view that the aforesaid two grounds do not constitute error apparent on the face of record mandated under Order 47 of the Code of Civil Procedure. The review applicants have also not brought any new evidence on record that was not available before this Court when the order dated 14th September, 2026 was passed.

11. In so far as the arguments advanced on the principle applicable to recruitment that a categorization of an applicant cannot be changed after the last date of submission of applicants by reference to paragraphs 49 to

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51 and 58 to 60 in the case of Divya v. Union of India reported in (2024) 1 SCC 448; paragraphs 42 to 45 in the case of Government of NCT of Delhi Vs. K.L. Rathi Steels Limited reported as (2024) 7 SCC 315; paragraphs 4 to 6 in the case of Karn Singh Yadav Vs. State (NCT of Delhi) reported in (2024) 2 SCC 716; paragraph 6 in the case of Ashok Kumar Sharma and Others v. Chander Shekhar and Anr. reported in (1997) 4 SCC 18 and paragraphs 11 to 22 in the case of Rakesh Kumar Sharma Vs. State (NCT of Delhi) reported in (2013) 11 SCC 58, this Court is of the clear view that the

same touches upon the decision itself of this Court dated 14th September, 2026.

12. The decision dated 14th September, 2026 was rendered in peculiar facts and circumstances available in the instant case. All candidates were permitted to edit and indicate the category in which they applied i.e. General, SC, ST, EWS or PHD, about two and half months after the publication of recruitment notice and up to 15 days after 21st July 2025 i.e. the last day of submitting applications online. The candidates were informed not to indicate their categories in their initial application, it was supposed to be done later. Hence, the last extension to submit options of categorization i.e. 12th August, 2025 must be deemed as the last day for submission of applications.

13. Even assuming for the sake of argument that the decision dated 14th September, 2026 was erroneous in law, the same cannot be altered by this very Court under Order 47 of the Code of Civil Procedure. Such action would amount to this Court sitting in appeal over its own decision.

14. This Court cannot but notice that the School Service Commission has not come forward with any application for review. It has sought to support the argument of a third party in review application filed by such third party. The Commission must, therefore, be deemed as satisfied with the order dated 14th September, 2026.

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15. The finding of this Court, that the editing of options offered to all candidates until 12th August, 2025 including general category candidates amounted to an extension of last date for submission of applications along with categories, does not call for any interference in this proceeding.

16. Hence, RVW 239 of 2026 fails and hereby dismissed. Consequently CAN 1 of 2026 and CAN 2 of 2026 are also dismissed.

17. The application being CAN 3 of 2026 in RVW 239 of 2026 for intervention filed by Mr. Dhar's clients being the beneficiary of the original judgement dated 14th September, 2026 is considered and disposed of without any orders.

18. In view of the dismissal of RVW 239 of 2026, RVW 241 of 2026 is also dismissed. Consequently CAN 1 of 2026 and CAN 2 of 2026 in RVW 241 of 2026 are also dismissed.

19. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)

(Anuj Singh, J.)

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