15 23.11.
2026

Ct. No. 18

sdas

WPA 30678 of 2026

Gopal Chandra Dutta
Vs.
The State of West Bengal & Ors.

Mr. Anindya Lahiri, Sr. Adv.
Mr. Subhamoy Paul
Mr. Biplab Pal
..... for the petitioner.

Mr. Piush Chaturvedi, Sr. Adv.
Mr. Tarun Kumar Das
..... for the State

1. The petitioner is a participant in the West Bengal police recruitment process for the year, 2024-2025 by way of an advertisement. The petitioner participated as a reserved category candidate under Economically Weaker Section (EWS).
2. The grievance of the petitioner is that his candidature as an Economically Weaker Section (EWS) candidate has been rejected for having presented a wrong certificate.
3. The certificate presented by the petitioner, issued on May 25, 2022, was for the financial year 2022-2023. Clause 3(b) of the advertisement is set out herein for a more wholesome consideration:

> "3(b) In terms of Memorandum No. 959-BCW/MR-52/2019 dated 18.05.2023 of Backward Classes Welfare Department, Govt. of West Bengal, the candidates from Economically Weaker Sections (EWSs), if shortlisted for Interview must produce INCOME and ASSET CERTIFICATE issued by the competent authority valid for the Year, 2023-2024 or onwards (issued fore the Financial Year 2022-2023 or onwards) during checking of testimonials on the date of Interview. Candidates seeking reservation under

> EWS category must produce the EWS certificate as per specified formal (Annexure – C) as enclosed herewith. Non production of valid INCOME and ASSET CERTIFICATE warrants ineligibility of candidates under EWS category. However, they may be considered as UR if they get equal or higher marks than the marks obtained by the last selected candidates under the UR category. INCOME and ASSET CERTIFICATE issued from states other than West Bengal shall not be considered and such candidate will be treated under Unreserved category."

4. As it appears from the said Clause that the EWS certificate to be produced by the candidates claiming candidature under such category should be valid for the year 2023-2024 or onwards and should be issued for the financial year 2022-2023 or onwards.
5. The petitioner has presented the certificate valid for the financial year 2022-2023 and for the financial year 2021-2022. Clearly this certificate does not meet the stipulation as prescribed in Clause 3(b) of the Advertisement.
6. It is for this purpose, the candidature of the petitioner was treated in the unreserved category and having not qualified, the petitioner is aggrieved thereby.
7. Mr. Lahiri, learned senior Advocate appearing for the petitioner, has submitted that the petitioner is a meritorious candidate and that the factum of producing the wrong certificate cannot be ascribed wholly to the petitioner, in view of the fact that the online instructions indicated the issuing date of income and asset certificate must be on or after April 1, 2022 and since the

certificate produced by the petitioner was of May 25, 2022, he was under the impression that the said certificate was valid and thereby acceptable.

8. The second limb of Mr. Lahiri's submission relates to the fact that the petitioner had, in his possession, other valid certificates for the relevant period, issued within the relevant timelines, as stipulated in 3(b) of the Advertisement. These certificates for the financial year 2022-2023 and for the financial year 2024-2025 had been placed on record though they were not part of the application of the petitioner which was uploaded for consideration by the authorities.Thus, the petitioner continued to be EWS candidate all through and for a trivial error of submitting the wrong certificate, the nature of his candidature should not be altered from EWS category to unreserved category.

9. He further submits that the petitioner applying for the post of a Constable cannot be expected to understand the instructions relating to such detailed submission of forms and certificates for a particular financial year or within a particular stipulated time.

10. He has also placed reliance on a decision of the Hon'ble Supreme Court of India reported in (2005)9 SCC 779 (*Dolly Chhanda vs. Chairman, JEE & Ors.)* and another reported in (2024) 11 SCC 785 *(Vashist Narayan Kumar vs. State of Bihar & Ors.)*.

11. In view of the aforestated and particularly since the

petitioner is a meritorious candidate, having secured 12.5 marks out of a total of 15 marks in the interview which has come to light by way of a report filed by the authorities and more than the marks obtained in the written examination, by the last selected EWS candidate, it would be proper that the petitioner be considered in the EWS category and be given appointment, if he is otherwise eligible.

12. Mr. Chaturvedi, learned senior Advocate appearing on behalf of the State, submits that the entire process will come to a standstill if a departure is made in respect of one person, as several other similarly situated persons have been rejected in the reserved category and have been considered as unreserved candidates. Any preference shown to the petitioner in respect of the submission of proper documents including the EWS certificate would place him in a reverse discriminate situation as compared to several others who have already been rejected on similar grounds.

13. In fact, he has placed reliance on a decision of this Court in WPA 22277 of 2026 (*Anita Ghosh vs. State of West Bengal & Ors.*) where an identically situated person was refused an opportunity of being considered in the EWS category, as she had also, similar to the petitioner, not deposited the correct certificate.

14. He further submits that the credentials and testimonials of all candidates have been considered on the basis of

the documents which had been submitted by them with the authorities. Any departure from the same, thereby directing the authorities to consider further documents at this rather belated stage would create chaos in the entire recruitment process and would open flood gates for all such candidates who have either submitted documents erroneously or did not possess the requisite certificate at the material time. Any sort of reopening or revisiting the issue would completely derail the recruitment process and would indeed impede the rights of several thousands of candidates who have participated in the process successfully.

15. I have heard the learned Advocates for the parties and considered the documents and decisions relied upon by them.

16. A bare perusal of Clause 3(b) of the advertisement makes it clear that the candidates, shortlisted for interview, must produce income and asset certificate, issued by the competent authority, “valid for the year 2023-2024 or onwards” and the relatable year therein is “issued for the financial year 2022-2023 or onwards”.

17. This is the criteria which all interested candidates would have to fulfil and the same would be duly checked as testimonials submitted on the date of the interview. The petitioner had submitted the certificate for the financial year 2021-2022 which was valid for the year 2022-2023. Thus, this certificate failed to fulfil the parameters and

stipulations as set forth in Clause 3(b) of the Advertisement.

18. It is not in dispute that the petitioner continues to be a candidate under EWS. However, the fact that the petitioner was unable to present his credentials on the date fixed, disentitles him to be considered in such category i.e. EWS.

19. The petitioner has relied upon and submitted documents (certificate of EWS) as his testimonials to prove his status as EWS candidate which are not in consonance with the testimonials as specified in Clause 3(b) of the Advertisement. Even if the petitioner has the credentials of a later date or even of the date so stipulated in Clause 3(b) of the Advertisement, if the same had not been presented, the petitioner cannot, at this stage, claim consideration of such documents by the authority, merely because he was unable to comprehend the entirety of the said Clause and thereby uploaded is correct or unacceptable documents.

20. In this case, deliberation has to be restricted to the documents presented by the petitioner at the time of uploading the documents online and presenting the same to the authorities on the date of interview. On the date of interview, it is only the documents which had been uploaded, could be produced for verification. Any further documents, *de hors* the documents uploaded, could not have been presented for verification.

Verification, by its very nature, is restricted to a document which is already on record. Verification does not imply bettering or enhancing one's credentials from those which have already been presented. Thus, on the date of the interview, the documents needed for credentials were the documents which were uploaded and clearly the said documents did not satisfy the stipulations in Clause 3(b) of the Advertisement.

21. The decisions relied upon by the petitioner on *Dolly Chhanda (supra)* related to an issue which could not be classified as similarly situated as the petitioner, as a trivial error except for the fact that in the case there was an error committed by the issuing authority. Thus, the situation in *Dolly Chhanda (supra)* was factually different from that of the petitioner and cannot be equated. The Hon'ble Supreme Court in the case of *Vashist Narayan Kumar (supra)* relates to a corrected date of birth and whether such correction could have been done at a later date to ensure that the petitioner could be considered for appointment. In the present case, the question is not restricted to one of error or erroneous uploading. The larger question is relating to the fact that the petitioner could be treated with a reverse discrimination with several other candidates who have undergone a similar discrepancy. The discrepancy of this nature cannot be said to be trivial. The uploading and particular form to decide the category of an

incumbent cannot be trivialized to permit him to alter the situation at such belated stage. This material discrepancy, if permitted, would tantamount to trivialization of gravity of the lapse committed by the petitioner.

22. Though the petitioner, it appears is a meritorious person, has secured more marks than the last candidate who has been selected in the EWS category, the seemingly innocuous prayer of the petitioner, if considered, will disrupt the entire recruitment process and will likewise disrupt the appointment process of the successful candidates.

23. In view of the aforestated deliberations and findings, the following conclusions are inevitable :

24. (a) the petitioner was unable to present the requisite credentials on the specified date to qualify as an EWS candidate;

(b) the petitioner has not been, therefore, treated as an EWS candidate and has been considered in unreserved category;

25. The aforestated actions taken by the authorities, as concluded, cannot be invalidated.

26. Accordingly, I find no reason to interfere in the matter.

27. With the aforestated directions, the writ petition is dismissed.

28. There shall, however, be no order as to costs.

29. Urgent photostat certified copy of this order, if applied

for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)