

**21.07.2026.
Court No. 13
Supplementary
List Item No. 1.
pk**

**MAT 1176 of 2026
With
I.A. No. CAN 1 of 2025**

**Ujjwal Biswas
-Versus-
The State of West Bengal & Ors.**

Mr. Debottam Das
... for the appellant.

Mr. Pradip Paul,
Ms. Renesa Dey
... for the State.

Mr. Nilotpal Chatterjee,
Mr. Satyaki Banerjee
... for the University of Calcutta.

1. The instant intra Court appeal is directed against an order 20.07.2026 passed by the learned Single Judge of this Court in WPA 17142 of 2026. The Single Bench entertained the writ petition and adjourned the same until 03.08.2026. It directed that the respondent/State Authorities to expedite the process of dealing with the petitioner's application for being under the EWS category.

2. The brief facts relevant to the case are that the petitioner applied online for the West Bengal Joint Entrance Examination (WBJEE) on 11.03.2026 under the EWS category. He possessed a certificate for the year 2025-2026 in such category and annexed the same to his online application. Unlike other reserved categories like SC, ST and like an Economically Weaker Section (EWS) certificate is issued for one

financial year. A person belonging to such category is required to apply afresh each financial year within 60 days after expiry of such certificate. It is an admitted position that the petitioner applied on 60th day after expiry of his EWS certificate for the year 2025-2026.

3. While the petitioner succeeded in the Joint Entrance Examination with a rank based on his EWS certification, at the time of scrutiny of his application on 10th July, 2026, the petitioner's status was reverted to that of a general candidate since a valid and subsisting EWS certificate for the year 2026-2027 was not available.

4. Counsel for the parties submit that while it is true that the petitioner would get admission in the general category in the engineering or other professional courses imparting college within the State, as an EWS candidate his choice of colleges and courses would stand on a much higher and better footing.

5. Mr. Chatterjee, learned counsel for the Calcutta University has placed reliance upon a decision of the Supreme Court in the case of ***Mohit Kumar Vs. State of Uttar Pradesh and Ors.*** reported in ***(2025) SCC OnLine SC 1125***. The upshot of the said judgment was a reserved category candidate must possess a valid certificate, as on the date of the scrutiny of his documentation in any competitive examination. It is,

therefore, submitted that since the petitioner did not possess such qualification on the date of scrutiny, he cannot be treated as under EWS category.

6. At the very outset this Court notes that ***Mohit Kumar*** judgment was in the context of SC, ST and OBC reservations and not the EWS category. An SC and ST or OBC status may be valid either for a lifetime or definitely a longer period of time than an EWS certificate. The said decision cannot be applied in this case at hand.

7. Mr. Chatterjee, learned counsel for the Calcutta University, next relied upon the decision of the Supreme Court in the case of ***Divya v. Union of India*** reported in ***(2024) 1 SCC 448*** particularly paragraph 42 thereof and onwards. In the said case it was held that a candidate sitting in the UPSC examination must possess the EWS certificate on the date of the submission of the application. The date of application was held to be crucial for the availment of EWS benefit. In the instant case, the petitioner on the date of application for WBJEE which is submitted on line admittedly possess a valid EWS certificate. He applied for renewal thereof within the time prescribed under the law thereafter. The aforesaid ***Divya*** judgment (***supra***), in fact, supports the case of the appellant/petitioner.

8. Let us look at the matter from another point of view. Let us take a case where a person who has applied for EWS certificate but is yet to receive the same. He makes an application to participate in a competitive examination in the EWS category. His application itself would be a nonstarter and he cannot claim the benefit of EWS even if subsequently obtains such certificate.

9. The case at hand reveals a completely different facts and scenario. The petitioner at the time of making the application online to participate in the WBJEE had a valid EWS certificate. Such certificate, however, expired by efflux of time during the interregnum between the date of examination and scrutiny of documents/counseling.

10. It is relevant here to consider the submission of the learned counsel for the State. It is submitted that normally EWS certificate is required to be issued within 60 days of such application. The petitioner being in the EWS category at the time of application is, therefore, entitled to the benefit of the entire period of 60 days in the peculiar facts and circumstances of the case.

11. It is, therefore, directed as an interim measure, pending final decision in the writ petition before the Single Bench that the counseling of the petitioner must be held as an EWS candidate and he must be

allotted the colleges available in terms of his rank and as per the petitioner's choice and availability.

12. The admission of the petitioner to the courses and colleges chosen by him shall be subject to production of EWS certificate for the financial year 2026-2027 as and when issued by the State. In the event, however, the petitioner is not granted an EWS certificate for the year 2026-2027 his admission in the chosen college and course shall automatically stand terminated and he shall be afforded the courses and colleges as general category candidate based on his rank in such category.

13. The State is requested to expedite the processing of the appellant/petitioner's application under the EWS category for the year 2026-2027. It is expected that a communication is made to the petitioner within a period of two months from the date of communication of a copy of this order.

14. The appellant/writ petitioner shall be entitled to participate in the third round of counseling process that is underway and the respondents shall permit him to do so within the time stipulated thereof. Calcutta University shall permit the appellant/petitioner to produce his documentation within two months from date.

15. The writ petition shall be taken up for final hearing subject to the business of the Single Bench permitting.

16. This order is passed in the special facts and circumstances of the case and shall not be treated as precedent in future.

17. With the aforesaid observation, MAT 1176 of 2026 is disposed of. Consequently, all connected pending applications, if any, are also disposed of.

18. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)