2026:CHC-AS:1419

Form J(2)
Sl.No. 5
Moumita

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 23185 of 2026

Falguni Maity @ Falguni Maity Samanta & Anr.
Vs.
The State of West Bengal & Ors.

For the Petitioner	:Mr. Sudip Ghosh Chowdhury, Adv. Ms. Pritha Biswas, Adv. Ms. Upasana Sarkar, Adv.
For School Service Commission	:Mr. Nilanjan Bhattacharjee, Sr. Adv. Mr. Sunit Kumar Roy, Adv.
For the State	:Mr. Rivu Dutta, Adv. Mr. Jagannath Chatterjee, Adv.
Heard on	: September 2, 2026
Judgment on	: September 2, 2026

[**In Court**]

Aniruddha Roy, J. :

1. Upon urgency being pleaded by the petitioner and since the determination of the Regular Bench has been assigned before this Court, the matter has been taken up for consideration.

2. Affidavit-of-service, filed in Court today, is taken on record.

3. The writ petitioner is an aspirant for ***Second SLST, 2025***. He wanted to participate under the EWS category but since valid certificate was not there with him as on the date of submission of application to participate in the selection process of ***Second SLST, 2025,*** he applied as under the general category.

4. Petitioner submits that, he has already applied before the issuing authority for obtaining EWS certificates and the same is pending and the same has been issued subsequently in favour of the petitioner. The petitioner now contends he wants to change his status of applicant as EWS candidate from general category. Petitioner has cited a communication dated ***August 10, 2026 Annexure p-9 at page 52*** to the writ petition, issued by the Joint Commissioner for reservation and Special Secretary and submits that, a request made that the case for the EWS category candidates applied under general category may be considered by the Central School Service Commission.

5. In the light of the above, Mr. Sudip Ghosh Chowdhury, learned Advocate appearing for the petitioner submits that, the case of the petitioner may be considered by the Central School Service Commission as an EWS candidate.

6. Mr. Nilanjan Bhattacharjee, learned Senior Advocate appearing for the School Service Commission submits that, the petitioner has already participated and applied as an aspirant under the general category and

now he cannot convert its status to EWS category. Learned Senior Standing Counsel submits that, after the cut of date for such conversion which was allowed by the Central School Service Commission, such a case cannot be accepted for conversion, as it would amount to changing the rule of the game of the selection process.

7. *Per contra,* in support of his contention, Mr. Sudip Ghosh Chowdhury, learned Advocate appearing for the petitioner has relied upon an order of a co-ordinate Bench dated ***August 21, 2026*** passed in ***WPA 1543 of 2026 In the matter of : Sonali Paul & Anr. Vs. The State of West Bengal & Ors.***

8. After considering the rival contentions of the parties and on perusal of the materials on record, it appears to this Court that, admittedly the petitioner did not have the EWS certificate when he applied to participate under the relevant selection process.

9. Subsequently, Central School Service Commission had announced a cut of date by granting an opportunity to the aspirants to switch over their candidature from general category to EWS category.

10. The petitioner even within such cut of date did not apply for switch over as he did not have the EWS certificate.

11. When there is a codified well-defined rule of the game for the selection process without any challenge being thrown thereto, such rule of the game cannot be permitted to be altered or changed. If any such

alteration takes place, it will be in violation of the principle of equality under Articles 14 and 16 of the Constitution of India.

12. Since the petitioner when applied for participation in the relevant selection process did not qualify the criteria for EWS candidate, even though the switching over provision is not applicable for him, the petitioner cannot be permitted to change his participation status from general category to EWS category, unless permitted under the recruitment Rules. If such participation on conversion is allowed, it will encroach the room/space earmarked for the EWS category, which will again violate the principle of equality, as guaranteed under Articles 14 and 16 of the Constitution of India. In that event, the fairness of the selection process will be compromised.

13. The aspirants who qualified to become EWS category candidates and have participated in the selection process as such under EWS category, they have a legitimate expectation with a right to participate in the selection process within the earmarked zone created for the EWS category. The candidates who applied under the general category and subsequently if are allowed to convert their participation status under the EWS category, such candidates would encroach the zone carmarked for the EWS category candidates. This will lead to an unfair and unequal participation. The EWS candidates within its specified and carmarked zone are the ***equals*** and any other candidates who do not belong to such

earmarked zone for EWS category would be ***unequals***. In a recruitment process unequals cannot be treated as equals.

14. In view of the forgoing reasons and discussions, this Court is of the considered and firm view that, the petitioner has no right to participate in the selection process under EWS category once he has already participated under the general category.

15. ***In the matter of Sonali Paul & Anr. (supra)*** the co-ordinate Bench found a prima facie case that, the petitioners therein possessed EWS certificate issued well within cut of date prescribed by the Commission. The ratio of the said order shall not apply in the facts and circumstances of this case, as the petitioner does not have the EWS certificate.

16. The writ petition is devoid of any merit.

17. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

18. With the above observations, this writ petition, ***WPA 23185 of 2026*** stands ***dismissed,*** without any order as to costs.

19. Parties shall be at liberty to take steps on the basis of the server copy of this order after the same being obtained from the Official Website.

(Aniruddha Roy, J.)