

23.09.2026.
Court No.13
Item Nos. 11 & 13
ap

**F.M.A. 240 of 2026
With
I.A. No. CAN 1 of 2026
And
I.A. No. CAN 2 of 2026**

**Suman Jana & Ors.
Versus
State of West Bengal & Ors.**

With

**M.A.T. 1542 of 2026
With
I.A. No. CAN 1 of 2025**

**Falguni Maity @ Falguni Maity Samanta & Anr.
Versus
State of West Bengal & Ors.**

Mr. Firdous Samim,
Ms. Gopa Biswas,
Mr. Hasanuz Zaman Molla,
Mr. Naman Shah,
Mr. Rajosik Dutta,
Mr. Ayush Majumder,
Mr. Hasibur Rahaman Jamader,
Ms. Brinta Dutta.

...For the appellants in FMA 240/2026

Ms. Briyanka Bhattacharya.

...For the appellants in MAT 1542/2026.

Mr. Indranil Roy, Id. Sr. Advocate,
Mr. Sunit Kumar Roy.

...For the School Service Commission.

Mr. Ajit Kumar Mishra, Ld. AGP,
Mr. Raj Mohan Chatteraj,
Mr. Sanjit Singh,
Mr. Ankit Mishra.

...For the State.

Mrs. Koyeli Bhattacharyya,
Mr. Bibek Dutta.

...For the WBBSE.

Mr. Anindya Lahiri, Id. Sr. Advocate,
Mr. Arkadeb Biswas,
Mrs. Debarati Roy Chowdhury,
Ms. Sangita Ghosh.

...For the Applicant in CAN 2 of 2026.

Re: F.M.A. 240 of 2026
in CAN 1 of 2026 & CAN 2 of 2026

1. The instant intra court appeal is directed against judgment and order dated 8th December, 2025 passed by a learned Single Judge of this Court in W.P.A. 24256 of 2025.
2. The appellants/writ petitioners are all persons, who obtained EWS Certificates, after the last date for submission of online application i.e. 21st July, 2025 in the recruitment process for Assistant Teachers announced by the West Bengal School Service Commission called 2nd State Level Selection Test.
3. They claimed the benefit of the order dated 14th September, 2026 passed by this Court in F.M.A. 1002 of 2026 (Mir Mazharul Islam & Ors. – Vs. – The State of West Bengal & Ors.). In the said decision, this Court had found that the appellants therein were required to submit the concerned Recruitment Notification by the Block Development Officer in question for the purpose of certification as belonging to EWS Category.
4. This Court had, therefore, given the benefit of the extended date until 12th August, 2025 for submission of EWS Certificates. The School Service Commission had on 5th August, 2025 extended option to edit categories in which the candidates were applying i.e. Scheduled Castes, Scheduled Tribes, Other Backward Classes, Economically Weaker Sections or Physically Handicapped till 12th August, 2025.

5. It must be noted that the Court found in the said decision dated 14th September, 2026 that none of the candidates belonging to any specific reserved category were allowed to indicate the same at the time of submission of initial application under Notification dated 30th May, 2025 published by the School Service Commission.

6. This Court finds in the instant appeal that the writ petitioners/appellants were not prevented by the concerned Block Development Officers to submit any recruitment notice as a precondition for application for EWS Certification.

7. Mr. Samim, learned Counsel appearing on behalf of the appellants has produced one letter across the bar of one of the appellants. The same is not in the format for submission of application for EWS Certification.

8. However, since this Court has held in the decision dated 14th September, 2026 that the School Service Commission had extended the last date for submission of categorization of candidates until 12th August, 2025 and that the same would amount to extension of the date of submission of the applications and options, only those appellants in the instant case, who had produced and submitted options as belonging to EWS on or before 12th August, 2025 and had duly edited their category option within such time would

have to be considered as lawful applicants in EWS Category, by School Service Commission.

9. The said order dated 14th September, 2026 passed in the peculiar facts and circumstances of the case, which prompted this Court to deviate from the general principles of recruitment that only valid applications indicating categories before the last date of submission of applications, ought to be entertained by the Recruiting Authority.

10. The deviation by this Court as indicated in the order dated 14th September, 2026 was made in the peculiar facts and circumstances of the case and also addresses, the stipulation in Clause 5.3 of the Office Memo dated 31st January, 2019 issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training Establishment, (Res.-II) Section.

11. The stipulation contained in the aforesaid Clause of the said Memorandum dated 31st January, 2019, cannot be applied to the appellants in F.M.A. 1002 of 2026 (Mir Mazharul Islam & Ors. – Vs. – The State of West Bengal & Ors.) or the appellants in the instant case.

12. In so far as the arguments of Mr. Samim that the last date for editing option was extended by the School Service Commission until 26th September, 2025 by Notification dated 22nd September, 2025, cannot be

accepted since the same was restricted to edit option of the Caste Category only.

13. With the aforesaid observations and discussions, F.M.A. 240 of 2026 shall stand disposed of.

14. In view of disposal of the appeal itself, all the pending connected applications being CAN 1 of 2026 and CAN 2 of 2026 are disposed of.

15. There will be no order as to costs.

Re: M.A.T. 1542 of 2026 in CAN 1 of 2026

16. It is argued by the Counsel for the appellants that the facts scenario in the instant appeal is similar to F.M.A. 240 of 2026 (Suman Jana & Ors. – Vs. – State of West Bengal & Ors.).

17. Mr. Indranil Sen, learned Senior Advocate appearing for the School Service Commission submits that while one of the appellants had a EWS Certificate issued before 12th August, 2025, he had not exercised the option within such period. The other appellants obtained EWS Certificate on 19th March, 2026 far beyond the date in question.

18. Learned Counsel for the appellants would argue that the last date of submission of EWS ought to be the date of application for the EWS application and the date of applications should not be construed at all for the purpose of reservation to EWS is rejected, inter alia, on the dicta of the Hon'ble Supreme Court of India at paragraph 6 in the case of **Ashok Kumar**

Sharma & Ors. – Vs. – Chander Shekhar & Anr.

reported in ***(1997) 4 Supreme Court Cases 18.***

19. Hence, M.A.T. 1542 of 2026 fails and is hereby dismissed.

20. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2026 is also dismissed.

21. There will be no order as to costs.

22. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Anuj Singh, J.)