

03.07.2026
Item No.02
Court No.01
Avijit Mitra

WPA (P) 305 of 2026

**Right And Justice Foundation & anr.
- Versus -
The State of West Bengal & ors.**

Mr. Pradip Kumar Tarafder, Sr. Adv.,
Mr. Dwaipayan Basu Mallick,
Mr. Aritra Palit,
Mr. Anand Bhushan,
Mr. Ratnadeep Raha,
Mr. Adhir Narayan Banerjee,
Mr. Prasoon Shekhar,
Mr. Shubhasish Roy

...for the petitioners

Mr. S.N. Mitra, Ld. Advocate General,
Mr. Billwadal Bhattacharyya, Ld. AAG,
Mr. Ajit Kumar Mishra, Ld. AGP,
Mr. Gopal Krishna Sarkar,
Mr. Milind Mohul Ghosh

...for the State

Affidavit-of-service, as filed, be kept on record.

The present Public Interest Litigation (in short, PIL) has been preferred by the petitioners challenging *inter alia*, the 'Notification No.944-BCW/MR-23/2026, Notification No.945-BCW/MR-23/2026, Letter No.946 / Secy-BCW/MR-23/2026 dated 18.05.2026'.

Mr. Tarafdar, learned senior advocate appearing for the petitioners submits that a coordinate Bench of this Court delivered a judgment on 22nd May, 2024 in the case of *Amal Chandra Das Vs. State of West Bengal* observing *inter alia* that the recommendation

of the Commission is a mandatory condition precedent for inclusion, exclusion, sub-classification, or withdrawal of any class from the State OBC List. In spite of the said judgment, the impugned notifications have been issued without any recommendation of the Commission and without any consultation whatsoever.

He argues that the petitioners have a strong *prima facie* case as the impugned notifications are perverse and illegal and have been issued without applying well established legal principles.

He contends that a fresh cause of action has arisen due to the issuance of the impugned notifications withdrawing the earlier notifications issued by the State and in such circumstances the present PIL needs to be admitted for issuance of appropriate *interim* order.

Mr. Mitra, learned Advocate General appearing for the State respondents denies the contention of the petitioners and submits that the SLP preferred against the judgment delivered by a coordinate Bench of this Court on 22nd May, 2024 is still pending.

He further submits that another writ petition was preferred challenging the notifications dated 08th

May, 2025, 27th May, 2025 and 3rd June, 2025 in which a coordinate Bench of this Court, initially, passed an *interim* order. Challenging the said order, the State preferred SLP in which an order was passed on 28th July, 2025 staying the operation of the impugned order of this Court dated 17th June, 2025. Both the SLPs are still pending before the Hon'ble Supreme Court and as such no interference is called for in the present writ petition.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the judgment delivered by a coordinate Bench of this Court on 22nd May, 2024 has been challenged before the Hon'ble Supreme Court and the said SLP is still pending. The order passed by this Court on 17th June, 2025 in the writ petition challenging the earlier notifications has also been assailed before the Hon'ble Supreme Court and in the said SLP an order has been passed on 28th July, 2025 staying the operation of the order of the High Court dated 17th June, 2025.

In course of hearing of the first SLP on 18th March, 2025, it was submitted on behalf of the State that the State is examining the issue of backward classes

afresh and, accordingly, the Hon'ble Supreme Court deferred the final hearing of the matter and the said SLP is pending. In view thereof, the decision ultimately taken by the State *vide* notification dated 18th May, 2026 has to be placed before the Hon'ble Supreme Court in the pending SLP.

In the said conspectus and since the Hon'ble Supreme Court is in *seisin* over the issues primarily urged in the present writ petition, we are not inclined to entertain the present PIL.

For the reasons discussed above, the PIL being WPA (P) 305 of 2026, along with the connected application, are dismissed.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, A.C.J.)