

07.08.2025

SL.1
Ct. No. 15

CPAN 1365 of 2025
Supriya Mondal and Ors.
Vs.
Binod Kumar and Ors.

And

CPAN 1362 of 2025
The Court on Its Own Motion
Re: E-mail Dt.22-06-25, 17-07-25 & 18-07-25
Jemas PG 2024 Candidates.

-Versus-

X

In

WPA 9132 of 2025
Supriya Mondal & Ors.
Vs.
The State of West Bengal and Ors.

Mr. Raghunath Chakraborty
Mr. Supratik Syamal,
Mr. Saikat Thakurata

..for the Petitioners

Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Amitava Chaudhuri,
Mr. Nirmalya Roy,
Mr. Rahul Kumar Singh

...for WBJEEB

Mr. D. N. Maiti,
Mr. A. Santra,
Ms. K. Das

..for Respondent Nos. 2 and 3/WBUHS.

Mr. Kishore Dutta, Ld. Advocate General
Mr. Sirsanya Bandopadhyay
Mr. Biswabrata Basu Mallick
Mr. S. Dasgupta
Mr. S. Siddiqui
Mr. N. Ojha,
Ms. Deepti Priya

..for the State

This Court has received copies of certain communications addressed by a few merit-listed candidates of the Joint Entrance Test for Medical and Allied Sciences Post Graduate Courses (JEMAS [PG])-2024 to the Chairman of the West Bengal Joint Entrance Examinations Board. These communications allege non-compliance with the order dated May 21, 2025, passed by this Court in the present writ petition and were forwarded to the personal e-mail address of this Court.

The replies to the aforementioned communications, sent from "INFODESK WBJEEB" (info@wbjeeb.in), were likewise forwarded to the personal e-mail address of this Court.

The identities of the concerned candidates have been verified through the learned advocate appearing on behalf of the West Bengal Joint Entrance Examinations Board.

The aforesaid communications prima facie indicate non-compliance with the order dated May 21, 2025, passed by this Court. Consequently, this Court deems it appropriate to initiate suo motu contempt proceedings.

Let printed copies of the aforementioned communications be placed on record.

Additionally, the learned advocate appearing for the petitioners in WPA 9132 of 2025 seeks leave to

file a contempt application alleging violation of the order dated May 21, 2025.

Leave is granted. Let the said application be listed in the supplementary list, with an appropriate number to be allotted by the department. This application is also taken up for hearing.

It is pertinent to note that the order dated May 21, 2025, was passed for implementing the judgment and order dated May 22, 2024, delivered by a Division Bench of this Court in WPO 60 of 2011 (Amal Chandra Das v. State of West Bengal) and in other connected matters.

By the aforesaid judgment dated May 22, 2024, the Division Bench struck down the classification of O.B.C.-A and O.B.C.-B categories. The Division Bench also invalidated the State's reservation policy that had introduced 10% reservation for O.B.C.-A and 7% reservation for O.B.C.-B category candidates. Additionally, the 100-point roster system incorporating these categories was quashed. Most significantly, the judgment nullified all O.B.C.-A and O.B.C.-B certificates issued after the year 2010.

Pursuant to the said judgment, this Court, by its order dated May 21, 2025, directed the West Bengal Joint Entrance Examinations Board to revise the merit list of the Joint Entrance Examination for Medical and Allied Courses (Postgraduate) for the academic year

2024–2025, by providing 7% reservation to the 66 Other Backward Classes recognized by the Backward Classes Department prior to 2010.

Further, and more importantly, this Court directed as follows:

“(f) To avoid any future complications, a further direction is passed upon the respondents not to advertise or initiate any admission process inviting applications from O.B.C. (A) and O.B.C. (B) candidates. The advertisement should only be published for O.B.C. candidates belonging to the aforesaid 66 classes, providing for 7% reservation.”

Mr. Kalyan Bandopadhyay, learned senior advocate appearing on behalf of the West Bengal Joint Entrance Examinations Board, and Mr. Kishore Dutta, learned Advocate General appearing for the State, submit that both the Board and the State have preferred separate appeals—being MAT 943 of 2025 and MAT 955 of 2025 [The State of West Bengal v. Supriya Mondal & Ors.]—against the aforementioned order. Despite diligent efforts to pursue the said appeals, including the connected applications for stay, the same have not yet been adjudicated.

Mr. Bandopadhyay, placing reliance upon the judgments of the Hon’ble Supreme Court reported in ***Modern Food Industries (India) Ltd. v. Sachidanand Dass*, (1995) Supp (4) SCC 465**, and ***State of Jammu and Kashmir v. Mohd. Yaqoob Khan*, (1992) 4 SCC 167**, contends that this Court

should refrain from insisting on compliance with the order dated May 21, 2025, until the stay applications in the pending appeals are decided.

Mr. Raghunath Chakraborty, learned advocate appearing for the petitioner in CPAN 1365 of 2025, opposes the above submission. He argues that the mere filing of appeals and stay applications cannot, by itself, operate as a stay on the operation of the order passed by this Court, nor can it bar the initiation or continuation of contempt proceedings. It is submitted that not even a single step has been taken by the West Bengal Joint Entrance Board to comply with the order dated May 21, 2025, regarding JENMAS (PG)-2024 examination.

Furthermore, the attention of this Court has been drawn to certain subsequent developments that occurred after the pronouncement of the order dated May 22, 2024, by the Hon'ble Division Bench. These events, being undisputed, merit chronological narration.

The State of West Bengal preferred Special Leave to Appeal (C) Nos. 17751-17755 of 2024 before the Hon'ble Supreme Court, challenging the said judgment of the Division Bench. However, the Hon'ble Supreme Court did not grant any order of stay against the judgment and order dated May 22, 2024, though the prayer for stay was expressly considered on more

than one occasion. Notably, on March 18, 2025, the State submitted before the Hon'ble Supreme Court that the West Bengal Commission for Backward Classes was undertaking a fresh exercise to re-examine the identification of Backward Classes, and that such an exercise was expected to be completed within a period of three months.

Subsequently, no further orders were passed in the aforementioned Special Leave Petitions.

Thereafter, the West Bengal Commission for Backward Classes conducted a fresh survey for identification of the Backward Classes in the State and pursuant thereto the State Government issued, inter alia, notification no.917-BCW/MR-33/2025 dated May 8, 2025, notification nos.1056-BCW/MR-33/2025 (Pt. I) and 1057-BCW/MR-38/2025 dated May 27, 2025, notification nos.1106-BCW/MR-38/2025 and 1107-BCW/MR-38/2025 dated June 3, 2025, and notification no.912/Secy/BCW dated June 13, 2025, effective from June 10, 2025, (herein after referred to as "new reservation policy effective from June 10, 2025." By the aforesaid notifications total 140 communities were classified as Backward Classes under the O.B.C.-A and O.B.C.-B categories. Pursuant thereto, 10% reservation to the O.B.C.-A category and 7% reservation to the O.B.C.-B category, were provided with effect from June 10, 2025.

The aforesaid new reservation policy with effect from June 10, 2025, were challenged before the Division Bench by filing contempt applications and the said Bench by an order dated June 17, 2025, stayed the new reservation policy effective from June 10, 2025 and all consequential steps till the end of July, 2025 or until further orders, whichever was earlier. The said interim order was further extended on July 24, 2025 till August 31, 2025, or until further orders, whichever was earlier.

The order dated June 17, 2025, was challenged by the State of West Bengal by filing Special Leave to Appeal (C) No(s). 17422 of 2025. On July 28, 2025, the Hon'ble Supreme Court passed the following order:

- “1. Issue notice, returnable on 11.08.2025.***
- 2. Dasti, in addition, is permitted.***
- 3. In addition to the usual mode, liberty is granted to the petitioner to serve notice through the Standing Counsel for the respondent/State.***
- 4. In the meantime, there shall be stay of the impugned judgment and order dated 17.06.2025 passed by the High Court at Calcutta.”***

It appears that, following the aforesaid order of the Hon'ble Supreme Court, the West Bengal Joint Entrance Examinations Board, in connection with the West Bengal Joint Entrance Examination, 2025, issued

and published the following notifications on its official website:

**“WEST BENGAL JOINT ENTRANCE EXAMINATIONS BOARD
DB-118, SECTOR-I, SALT LAKE CITY, KOLKATA-700064**

No. Ex-24

Dated, July 30, 2025

Sub: Important Notice for Social Category Details of WBJEE-2025

1. In order to give effect to the order dated 28.07.2025 of the Hon’ble Supreme Court of India passed in SLP(C) No. 17422 of 2025 (State of West Bengal v Purabi Das & Ors.) and other connected matters and consequences arising therefrom, and in compliance with a directive -cum- legal advisory issued by the Government of West Bengal in the Higher Education Department on 30.7.2025, all WBJEE -2025 candidates are hereby given an opportunity to update their Social Category Details (prior to publication of results and document verification) by 02.08.2025 [upto 11: 59 PM].

2. Candidates are hereby notified that they can update their social category details by clicking on the provided link. Verification by the allotted Institute will be held at the time of admission.

3. Any final decision will be subject to outcome of pending legal proceedings.

Sd/-

Registrar

West Bengal Joint Entrance Examinations Board”

It is an admitted position before this Court that the West Bengal Joint Entrance Board has fixed today for publication of the merit list of the West Bengal Joint Entrance Examination, 2025, providing reservations to the O.B.C candidates in terms of the new reservation policy effective from June 10, 2025.

It is submitted by the respondents that the West Bengal Commission for Backward Classes has, pursuant to the new reservation policy effective from June 10, 2025, issued a total of 1,151 O.B.C. certificates.

This Court is called upon to consider whether, in light of the interim order of the Hon’ble Supreme Court dated July 28, 2025, the West Bengal Joint Entrance

Examinations Board was justified in publishing the merit list based on the new reservation policy effective from June 10, 2025.

The issue is straightforward, and so is the answer: a categorical “No.”

The new reservation policy effective from June 10, 2025, was stayed by the Division Bench of this Court on and from June 17, 2025. The interim order of the Hon’ble Supreme Court dated July 28, 2025, again revived the new reservation policy for a limited period, i.e., until August 11, 2025.

It must be noticed that the Information Bulletin for the West Bengal Joint Entrance Examination–2025 was published on December 24, 2024. The application window remained open from January 22, 2025, to February 23, 2025, and the examination itself was held on April 27, 2025.

In these circumstances, it is wholly beyond comprehension of this Court as to how the new reservation policy effective from June 10, 2025, could have any application to the said examination. Even assuming that the said policy is eventually upheld or allowed to operate, it can, at best, have prospective effect. Accordingly, the application of the said policy to the merit list for the 2025 examination is clearly erroneous and unsustainable.

This Court is of the unambiguous view that the West Bengal Joint Entrance Examinations Board, by preparing and publishing the merit list in this manner, has acted in violation of the order dated May 21, 2025, passed by this Court, in particular, the clause (f) of the operative part of the said order.

It must also be noted that the interim order dated July 28, 2025, passed by the Hon'ble Supreme Court, does not revive or validate the O.B.C.-A and O.B.C.-B certificates that were expressly cancelled by the Division Bench of this Court by its order dated May 22, 2024. That order remains un-stayed. The undisputed position remains that the Joint Entrance Board has allowed O.B.C. candidates to participate in the examination on the basis of such cancelled certificates.

However, it is beyond doubt that the preparation of the merit list for the Joint Entrance Examination-2025 by the West Bengal Joint Entrance Examinations Board has been carried out in clear violation of this Court's clause (f) of the order dated May 21, 2025.

In view of the aforesaid facts and circumstances, the following directions are issued:

1. The West Bengal Joint Entrance Examinations Board shall **recast the merit list** and **publish a fresh panel**, providing **7% reservation** for

the **66 classes of O.B.C. candidates** as recognized by the West Bengal Backward Classes Department prior to 2010, in terms of the judgment and order dated May 22, 2024, passed by the Division Bench in *Amal Chandra Das v. State of West Bengal* (supra).

2. This entire exercise shall be completed **within a period of 15 days** from the date of this order.

3. The **affidavits of compliance** shall be filed by the **Registrar**, West Bengal Joint Entrance Examinations Board, and also by an officer not below the rank of **Senior Special Secretary**, West Bengal Higher Education Department, on the next date of hearing.

4. In view of the pending appeals against the order dated May 21, 2025, **no contempt proceedings are initiated at this stage.**

5. The **Registry shall communicate a copy of this order** forthwith to the **Chief Secretary**, Government of West Bengal, who shall, in turn, **forward the same to all concerned departments** of the State Government for their **guidance in respect of all ongoing and upcoming recruitment and admission processes.**

Let the matter be listed under the same heading
three weeks hence.

(Kausik Chanda, J.)