

HC cancels all OBC certificates issued in Bengal after 2010; CM Mamata says 'I won't accept the order'

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Synopsis

Detailing the process in which the West Bengal government acted while adding new classes of OBC, the court observed, "Records would reveal that on or about 8th February, 2010 it was published on all leading newspapers that the government has announced 10% reservation for Muslim community. Within a period of 6 months thereafter, the commission recommended 42 classes as OBC, out of which 41 communities belonged to Muslim religion."

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Calcutta High Court cancels about 5 lakh OBC certificates issued by West Bengal govt after 2010

Kolkata: The **Calcutta High Court** on Wednesday cancelled several classes of Other Backward Classes (**OBC**) certificates issued in **West Bengal** after 2010. However, the court observed that those who got **employment** using the certificates and were already in service through such **reservation** would not be affected by the order.

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A division bench comprising Justices Tapabrata Chakraborty and Rajasekhar Mantha delivered the verdict while **hearing a plea challenging the process of granting OBC certificates in the state.**

In its order, the court struck down several classes for reservation as OBC given under The West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012.

Detailing the process in which the West Bengal government acted while adding new classes of OBC, the court observed, "Records would reveal that on or about 8th February, 2010 it was published on all leading newspapers that the government has announced 10% reservation for **Muslim community**. Within a period of 6 months thereafter, the commission recommended 42 classes as OBC, out of which 41 communities belonged to Muslim religion."

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The court noted that "religion indeed appears to have been the sole criterion" for declaring these communities as OBCs."

Left was in power in 2010 and Trinamool came to power in May 2011.

The bench clarified that the executive orders of the state government classifying 66 classes of OBC before 2010 were not interfered with, since these were not challenged in the petitions.

The bench directed that the state's executive orders classifying 42 classes as OBCs from March 5, 2010 to May 11, 2012 were also quashed with prospective effect, in view of the illegality of the reports recommending such classification.

The court was adjudicating on a plea which challenged certain provisions of the West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012, which made reservations in public offices for those belonging to the OBC category.

The [judgment](#) is a blow to the [Trinamool Congress](#) government as the order will invalidate all OBC certificates given out under the state government's regime from 2011, when it came to power, people in the know said.

Addressing a poll rally at Khardah under the Dum Dum Lok Sabha constituency, chief minister [Mamata Banerjee](#) said she does not accept the court order and, if needed, she will go to the higher court.

"I don't accept their judgment. I will not accept it. OBC Reservation will continue. I will move the higher courts if needed," [Banerjee](#) said.

Later in the day, Union Home Minister [Amit Shah](#) welcomed the [HC decision](#) and said Banerjee wants "to rob the reservation of backward classes for her vote bank and give that reservation to Muslim castes".

"Mamata Banerjee gave OBC reservation to 118 Muslim castes without any survey. Someone went to the court, the court took cognizance of this and all the certificates issued between 2010 and 2024 have been cancelled by the HC. I welcome the decision of the High Court," Shah said.

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