

GAHC010242902023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/380/2023

CHAINI BHUYAN
D/O- SRI BIBEK BHUYAN
R/O- VILLAGE- BAMUNGAON
P.O.- CHAKOLAGHAT
P.S.- JAJORI
DISTRICT- NAGAON
ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP BY THE ADDITIONAL CHIEF SECRETARY
TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 781006.

2:THE SECRETARY
WELFARE OF PLAIN TRIBES AND BACKWARD CASTE DEPARTMENT
GOVT. OF ASSAM
DISPUR, GUWAHATI- 781006.

3:THE STATE LEVEL CASTE SCRUTINY COMMITTEE
REPRESENTED BY ITS CHAIRMAN CUM SECRETARY
WELFARE OF PLAIN TRIBES AND BACKWARD CASTE DEPARTMENT
GOVERNMENT OF ASSAM,DISPUR

GUWAHATI- 781006.

4:THE DIRECTOR OF MEDICAL EDUCATION
OFFICE OF THE MEDICAL EDUCATION, ASSAM
SIX MILE, KHANAPARA
GUWAHATI- 781022.

5:THE DIRECTOR
TEA TRIBES WELFARE, ASSAM
RUPNAGAR, GUWAHATI- 781032.

6:THE DISTRICT COMMISSIONER, NAGAON
P.O. AND DISTRICT- NAGAON, ASSAM
PIN- 782001.

7:THE ADDITINAL DISTRICT COMMISSIONER, NAGAON
P.O. AND DISTRICT- NAGAON, ASSAM
PIN- 782001.

8:THE PRINCIPAL
ASSAM MEDICAL COLLEGE AND HOSPITAL,DIBRUGARH
P.O. AND DISTRICT- DIBRUGARH,ASSAM
PIN- 782001.

9:THE ASSAM TEA TRIBES STUDENTS ASSOCIATION (CENTRAL
COMMITTEE)
REPRESENTED BY ITS GENERAL SECRETARY
JAGDISH BARIK
ASSAM TEA TRIBE COLLEGE STUDENTS HOSTEL
GANESHGURI CHARIALI, GUWAHATI- 781006.

For the Appellant : Mr. P. Mahanta, Advocate.

Mr. R.B. Gohain, Advocate.

For the Respondents : Mr. D. Saikia, Advocate General, Assam, assisted by Mr. B. Gogoi, Standing Counsel, Health Department and Ms. R.B. Bora, Junior Government Advocate, Assam.

: Mr. R. Dhar, Standing Counsel, WPT & BC Department.

: Ms. J. Gogoi, Standing Counsel, Social Justice and Empowerment Department.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KARDAK ETE
ORDER

Date : 19-10-2023

Heard Mr. P. Mahanta, learned counsel for the appellant. Also heard Mr. D. Saikia, learned Advocate General, Assam; Mr. R. Dhar, learned standing counsel, WPT & BC Department and Ms. J. Gogoi, learned

standing counsel, Social Justice and Empowerment Department appearing for the respective respondents.

We have also perused the material available on record.

The appellant was provisionally admitted in the 1st Year MBBS Course against the seat reserved for Tea Garden Labourer/Ex-Tea Garden Labourer (TGL/Ex-TGL) category. However, her result was withheld.

The appellant approached the learned Single Bench of this Court by filing WP(C) No.5340/2023, wherein an exercise of re-verification of the caste certificates held by the appellant and all other candidates, who applied under the TGL/Ex-TGL category, was directed. During this exercise, the caste certificate held by the appellant could not be verified and she faced ouster from the course. However, the appellant's admission to the course has been saved by virtue of the *interim* order dated 29.09.2023 passed in this writ appeal.

By a common order passed today in a bunch of appeals involving similar controversies led by Writ Appeal No.390/2023, the impugned order passed by the learned Single Judge has been reversed. The report of the State Level Caste Scrutiny Committee dated 26.09.2023, as per which the OBC, TGL/Ex-TGL certificate held by the appellant was declared as not verified, is quashed *qua* the appellant herein and the *interim* order dated 29.09.2023, is made absolute.

However, the caste certificate of the appellant shall be verified by the State Level Caste Scrutiny Committee strictly in accordance with the guidelines laid down by the Hon'ble Supreme Court in the case of ***Kumari Madhuri Patil & Anr. -Vs- Additional Commissioner, Tribal Development &***

Ors., reported in **(1994) 6 SCC 241**. The appellant will give an undertaking that in the event of her certificate not being found valid in the verification/re-verification process undertaken by the State Level Caste Scrutiny Committee, she would lose her seat in the reserved category. However, in such an eventuality, the appellant shall be given one chance to avail suitable legal remedy against the adverse report/opinion of the State Level Caste Scrutiny Committee, if so required.

The writ appeal is allowed accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant