

GAHC010277592018



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

Case No. : WP(C)/8607/2018

ANIL KUMAR DEORI
MAHADEVPUR-IV, P.O. MAHADEVPUR, DIST. NAMSAI, ARUNACHAL
PRADESH PIN-792005, PRESENTLY POSTED AT CISF UNIT, ONGC NAZIRA,
DIST. SIBSAGAR, ASSAM-785685.

VERSUS

COMMANDANT CISF UNIT AND 3 ORS.
CISF UNIT, ONGC NAZIRA, DIST. SIBSAGAR, ASSAM-785685.

2:DIRECTOR GENERAL

CISF
CISF HQ
BLOCK 13
CGO COMPLEX LODHI ROAD
NEW DELHI-110003.

3:STATE OF ARUNACHAL PRADESH
THROUGH CHIEF SECRETARY GOVT. OF ARUNACHAL PRADESH
ITANAGAR
ARUNACHAL PRADESH-789001.

4:DEPUTY COMMISSIONER

TEZU
LOHIT DISTRICT ARUNACHAL PRADESH-789001

Advocate for the Petitioner : MR. S K DEORI

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

22.05.2023

Heard Mr. S. K. Deori, learned counsel appearing for the writ petitioner. Also heard Mr. K. K. Parasar, learned Central Govt. Counsel appearing for the respondent Nos.1 and 2. Mr. B. D. Goswami, learned Additional Advocate General, Arunachal Pradesh has appeared for the respondent Nos.3 and 4. The writ petitioner claims that he belongs to the Deori community which is a recognised Scheduled Tribe (ST) community in the State of Assam. However, the petitioner was earlier issued a ST Certificate by the authorities in the State of Arunachal Pradesh based on which, he had secured his appointment in the Central Industrial Security Force (CISF). The petitioner is presently posted at Nazira, Assam. The CISF authorities had taken note of the fact that the ST certificate dated 01.07.1988 produced by the petitioner was in the "old format" and the same did not comply with the requirement of "new format". However, since the petitioner had failed to produce an ST certificate in the "new format" hence, it was suspected that the ST certificate relied upon by the petitioner was a forged one. On such assumption, a departmental proceeding was initiated against the petitioner by issuing a charge memo dated 14.11.2018. Aggrieved thereby, the petitioner has approached this Court by filing the present writ petition inter-alia contending that the State of Arunachal Pradesh has taken a decision not to issue ST certificate in new format to the 'Deori', 'Kachari' and 'Mising' communities as a result of which, the petitioner is not in a position to produce the ST certificate in the "new format".

Mr. Deori, learned counsel for the petitioner, submits that the ST certificate issued to the petitioner has been authenticated by the Deputy Commissioner of Lohit District, Tezu, Arunachal Pradesh and therefore, there was no justifiable ground for the authorities to suspect genuineness of the document. Contending that the Deori community is also recognised as an ST community in the State of Arunachal Pradesh, Mr. Deori has placed reliance on a decision of this Court rendered in the case of **State of Arunachal Pradesh vs. Patul Chandra Deori** reported in **2017 (2) GLT 647**.

Responding to the above, Mr. parasar, learned Central Govt. Counsel submits that in a similar matter (Writ Appeal No.39/2011) the Division Bench of this Court had earlier directed the "State Level Screening Committee" to verify the genuineness of ST/SC certificate and furnish its opinion in the matter. The aforesaid direction was issued by the Division Bench by following the guidelines laid down in the case of **Kumari Madhuri Patil vs. Additional Commissioner, Tribal Development** reported in **(1994) 6 SCC 241** and therefore, a similar order be passed in the present case as well.

Mr. B. D. Goswami, learned Additional Advocate General, State of Arunachal Pradesh also submits that he would have no objection if such an order is passed in this case.

Mr. S. K. Deori, learned counsel for the petitioner has also consented to the said recourse.

A copy of the order dated 28.10.2021 passed by the Division Bench in Writ Appeal No.39/2021 has been placed before this Court. I have perused the same and find that in a case involving more or less similar factual backdrop, wherein genuineness of ST certificate issued by the State of Arunachal Pradesh

was called into question, this Court had directed the State Government to constitute a Screening Committee as per the decision of the Apex Court in the case of **Kumari Madhuri Patil** (supra) so as to take a decision on the validity of the certificate granted to the ST community persons. The Screening Committee was also directed to issue notice upon the affected person so as to produce all relevant documents before taking a decision in the matter.

Considering the facts and circumstances of the case, I am of the view that a similar direction can be issued in this case as well. Mr. Goswami, learned Additional Advocate General, Arunachal Pradesh has also confirmed that there is a State Level Screening Committee constituted by the State of Arunachal Pradesh to look into such grievances.

As such, this writ petition stands disposed of with a direction upon the State Level Screening Committee to verify the genuineness of the ST certificate dated 01.07.1988 issued to the petitioner herein after examining the relevant records. Facilitating the above, the petitioner to produce a certified copy of this order and appear before the State Level Screening Committee within three weeks from today. Until such time the State Level Screening Committee renders its opinion on the validity of the ST certificate, departmental proceeding initiated against the petitioner shall remain suspended.

Since the petitioner is enjoying the benefit of a stay order passed by this Court in this proceeding since the year 2018, the State Level Committee is requested to render its opinion, as expeditiously as possible, but not later than three months from the date of receipt of a certified copy of this order.

If the petitioner continues to remain aggrieved even after the opinion of the State Level Screening Committee is rendered, it would be open for him to

approach this Court once again by filing a fresh writ petition.

JUDGE

Comparing Assistant