

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI

AND

HON'BLE SRI JUSTICE RAKESH THAPLIYAL

SPECIAL APPEAL NO. 327 OF 2023

20TH SEPTEMBER, 2023

Ram Bahadur Chettri

....Appellant.

Versus

Sagar Giri & others

....Respondents.

Counsel for the Appellant : Ms. Prabha Naithani, learned counsel.

Counsel for the Respondent No.1 : Mr. Shobhit Saharia, learned counsel.

Counsel for the Respondent Nos.2 to 6 : Mr. J.C. Pande, learned Standing Counsel.

The Court made the following:

JUDGMENT: (per Hon'ble The Chief Justice Sri Vipin Sanghi)

Leave to Appeal (IA No.01 of 2023)

The present leave to appeal has been preferred by the appellant, who was the *caveator* in the writ proceedings initiated by respondent no.1, challenging the cancellation of the caste certificate issued to him. The caste certificate had been cancelled on the compliant of the applicant.

2. In the light of the aforesaid, we are inclined to grant leave to appeal to the appellant, which is, *hereby*, granted.

3. We now turn to the appeal preferred by the appellant against the judgment rendered by the learned Single Judge in Writ Petition (M/S) No.1681 of 2020, dated 29.08.2023. The learned Single Judge has allowed the said

writ petition since, admittedly, the Committee to Scrutinize the caste certificate issued to respondent no.1, had not been constituted in terms of the judgment of the Supreme Court in ***Km. Madhuri Patil & another vs. Addl. Commissioner, Tribal Development & others, (1994) 6 SCC 241.*** The said judgment directed all the States to constitute a Committee of three officers, namely, (i) an Additional or Joint Secretary or any officer higher in rank of the Director of the department concerned, (ii) the Director, Social Welfare/ Tribal Welfare/ Backward Class Welfare, as the case may be, and (iii) in the case of Scheduled Castes another officer who had intimate knowledge in the verification and issuance of the social status certificates. In the case of Scheduled Tribes, the Research Officer who had intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities, was required to remain part of the Committee. The said judgment further directed that each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors to investigate into the social status claims. The procedure to be adopted by the Inspector was also set out by the Supreme Court in the said judgment.

4. Admittedly, the Committee which scrutinized the case of respondent no.1, and directed the cancellation of the caste certificate, consisted of only the District Magistrate,

Dehradun, District Social Welfare Officer, Dehradun, Sub-Divisional Magistrate, Rishikesh, District Dehradun, and the Tehsildar, Rishikesh, District Dehradun. The inquiry required to be conducted by the Vigilance cell was also not undertaken.

5. For the aforesaid reasons, we find absolutely no reason to interfere with the impugned judgment, and in our view, the cancellation of the caste cancellation issued to respondent no.1 was rightly quashed.

6. The appeal is, accordingly, dismissed.

7. The re-scrutiny in terms of the judgment of the Supreme Court in ***Km. Madhuri*** (supra) should positively be undertaken within the next three months.

8. Pending application, if any, also stands disposed of.

(VIPIN SANGHI, C.J.)

(RAKESH THAPLIYAL, J.)

Dated: 20th September, 2023

NISHANT