

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 328 of 2024

Dipak Biswas **Petitioner(s)**
Versus
State of Tripura and others **Respondent(s)**

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. Samarjit Bhattacharjee, Advocate.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharya, G.A. Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

19.06.2024

This writ petition is filed under Article 226 of the Constitution of India for quashing and canceling the impugned order dated, 15.04.2024, passed by the State Level Scrutiny Committee, communicated to the petitioner vide letter No.2-142(Long.Valley-23)/SCW/SLSC/2022/604-19, dated, 16.04.2024 issued by the Member Secretary, State Level Scrutiny Committee (Director of Welfare for Scheduled Castes, Tripura) canceling the petitioner's Scheduled Caste Certificate dated 15.06.1978 issued by the Sub-Divisional Officer, Kailashahar, North Tripura (now Unakoti District).

[2] It is the case of the petitioner that on the basis of the complaint received on 29.07.1994 from Ranjit Das, the then Chairman SC Sub-Committee, against the petitioner, show cause notice was issue to the petitioner. The petitioner is serving as Upper Primary Teacher under Samagra Shiksha Abhiyan (SmSA) posted at Rang Thanga CP SB School, under Chamanu IS, ADC. It is contended that the petitioner was appointed as a teacher in General Category Candidate against the Unreserved Post and he belongs to Namasudra Community, which is Scheduled Caste in the State of Tripura. It is also contended in the petition that after due inquiry and proper verification, the competent authority issued SC certificate in favour of the petitioner in the year 1978

vide No 3452/SDO/KLS/GL/78, dated, 15.06.1978. It is further mentioned that, the petitioner is unable to understand as to why after lapse of 45 years from issuance of SC certificate; how his SC status can be put to question on the basis of malicious and vexatious allegation. According to the petitioner, he has oral and documentary evidence to prove his Scheduled Caste status and if there had been a full fledged inquiry, the petitioner would have been able to prove that, he belongs to Namasudra Community, which is Scheduled Caste in the State of Tripura.

[3] The petitioner has preferred this writ petition seeking following reliefs:

- "i) Issue Notice upon the Respondents and each one of them to show cause as to why Writ in the nature of Certiorari and/or direction or directions and/or order/orders should not be issued against each of them whereby quashing and canceling the Order, dated 15.04.2024, passed by the State Level Scrutiny Committee, communicated to the Petitioner vide letter dated 16.04.2024, issued by the Member Secretary, State Level Scrutiny Committee (Director of Welfare for Scheduled Castes, Tripura), canceling the Petitioner's Scheduled Caste Certificate, bearing No.3452/SDO/KLS/ GL/78, dated 15.06.1978, issued by the Sub- Divisional Officer, Kailasahar, North Tripura.
- (ii) Call for records pertaining to the instant Writ Petition;
- (iv) Make the rule absolute after hearing the both sides;
- (v) Cost incidental to the instant Writ Petition....."

[4] Heard learned counsel for the respective parties. Perused the record.

[5] On perusal of records, it is observed that the impugned order dated 15.04.2024 which is under challenge was passed without giving an opportunity of personal hearing to the petitioner so that, if desired, he may be represented by an engaged counsel as per the procedure of law.

[6] Thus, without going into the merits of this case, this Court is of the view that ends of justice would be met if the matter is remanded back to the concerned authority to give an opportunity of hearing to the petitioner and to pass an order deciding the matter with regard to law as expeditiously as possible. Accordingly, the matter is remanded back to the concerned authority for fresh adjudication. As a result, to the limited extent, the order impugned is set aside.

Hence, the present writ petition is disposed of.
Miscellaneous application(s) pending if any, shall also stand closed.

JUDGE

Sabyasachi G.

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GHOSH

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HIGH COURT OF TRIPURA



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