

GAHC010076002020



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

Case No. : WP(C)/2263/2020

SACHIN DAS AND 16 ORS.

S/O- LATE PADDARAM DAS, R/O- VILL- DADARA, P.O- DADARA, P.S- HAJO,
DIST- KAMRUP, ASSAM, PIN- 781104

2: DIPUL DAS

S/O- LATE KALPARAM DAS

R/O- VILL- DADARA

P.O- DADARA

P.S- HAJO

DIST- KAMRUP

ASSAM

PIN- 781104

3: GOLAP DAS

W/O- LATE HAREN CHANDRA DAS

R/O- VILL- DADARA

P.O- DADARA

P.S- HAJO

DIST- KAMRUP

ASSAM

PIN- 781104

4: UDDHAB BHARALI

S/O- LATE RABI BHARALI

R/O- VILL- DADARA

P.O- DADARA

P.S- HAJO

DIST- KAMRUP

ASSAM

PIN- 781104

5: HAHIRAM DAS

S/O- LATE HARPATI DAS

R/O- VILL- DADARA

P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

6: GIRIDHAR DAS
S/O- LATE PADMARAM DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

7: RINA DAS @ REENA DAS
W/O- LATE DEBENDRA DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

8: RANJU DAS
D/O- LATE MUKTARAM DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

9: SANTORAM DAS
S/O- LATE KALIRAM DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

10: PRATIMA DAS
D/O- LATE GANORAM DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP

ASSAM
PIN- 781104

11: PRAMOD DAS
S/O- LATE SURYARAM DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

12: RITA BORA DAS
W/O- LATE BHABESH CH DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

13: PARESH CHANDRA DAS
S/O- LATE PADMARAM DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

14: HARKANTA DAS
S/O- LATE MIHIRAM DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

15: BHAGYA BHARALI
W/O- LATE BHARAT BHARALI
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

16: USHA DAS
W/O- LATE PRAFULLA DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 781104

17: KAMALESWAR DAS
S/O- LATE KALIRAM DAS
R/O- VILL- DADARA
P.O- DADARA
P.S- HAJO
DIST- KAMRUP
ASSAM
PIN- 78110

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
WELFARE AND PLAIN TRIBES AND BACKWARD CLASSES DEPTT, DISPUR,
GUWAHATI- 06

2:THE SECRETARY TO THE GOVT OF ASSAM
WELFARE AND PLAIN TRIBES AND BACKWARD CLASSES DEPTT
DISPUR
GUWAHATI- 06

3:THE DIRECTOR
WELFARE AND PLAIN TRIBES AND BACKWARD CLASSES
ASSAM
DISPUR
GUWAHATI- 06

4:THE DEPUTY COMMISSIONER
KAMRUP
AMINGAON
GUWAHATI- 31

5:THE ASSAM ANUSUCHIT JATI PARISHAD
REP. BY ITS PRESIDENT

6:THE PRESIDENT
ASSAM ANUSUCHITA JATI PARISHAD
UZAN BAZAR
GUWAHATI- 0

Advocate for the Petitioner : MR H DAS

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 10.05.2024

Heard Mr. H. Das, learned counsel for the petitioners. Also heard Mr. N. Goswami, learned Government Advocate for the State respondents.

By filing this writ petition, the petitioners are seeking a direction to the respondent authorities to provide them Schedule Caste Status and its Certificate thereof.

The facts of the case is that though the petitioners' fathers, grandfathers have waived their reservation rights in the year 1951 NRC by marking 'X' in the caste column, yet the petitioners belonging to the Schedule Caste category, cannot be discard of their recognition.

Before entering into the merits of the case, pertinent that Mr. N. Goswami, learned Government Advocate draws the attention of this Court to the Office Memorandum dated 08.08.2022, whereby guidelines has been prescribed for issuance of Schedule Caste, Schedule Tribe and Other Backward Classes/More Other Backward Class Certificate. He further submits that application has to be submitted in the requisite form prescribed in the aforesaid Office Memorandum

in order for issuance of Schedule Caste Certificate.

Admittedly, in the present case, no such application under the Office Memorandum dated 08.08.2022 has been submitted. That being so, this Court is of the considered view that this writ petition can be disposed of with a direction to the petitioners to file requisite applications in the prescribed form, in terms of the Office Memorandum dated 08.08.2022 and as and when such applications are being filed, the concerned respondent authorities shall dispose of the said applications in accordance with law.

Needless to clarify that the said exercise shall be completed within a period of 45 days from the date of receipt of such applications.

With the aforesaid observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant