

GAHC010197422024



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

Case No. : I.A.(Civil)/2955/2024

SMTI. MOONSOON BARKAKOTI
R/O- CHEKONIDHORA GAON,
KHELMATI CLUB ROAD,
P.O AND P.S- JORHAT,
PIN-785001

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM,
PERSONNEL (A) DEPARTMENT DISPUR, GUWAHATI-781006, ASSAM

Advocate for the Petitioner : MR. J PATOWARY,

Advocate for the Respondent : GA, ASSAM,

Linked Case : WP(C)/3125/2024

MOONSOON BARKAKOTI
R/O- CHEKONIDHORA

KHELMATI CLUB ROAD

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REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
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2:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM

3:THE JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM

4:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM

5:THE SUPERINTENDENT OF POLICE
CID ASSAM
ULUBARI
GUWAHATI-07

6:THE DEPUTY SUPERINTENDENT OF POLICE
CID ASSAM
ULUBARI
GUWAHATI-07

7:THE DIRECTOR
WELFARE OF SCHEDULED CASTE AND BACKWARD CLASSES
ASSAM

HOUSEFED COMPLEX
BLOCK-II

DISPUR
GUWAHATI-06

Advocate for : MR. K N CHOUDHURY

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 6 ORS

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 20.09.2024

Heard Mr. K.N. Choudhury, learned Senior Counsel assisted by Mr. J. Patowary, learned counsel for the applicant. Also heard Mr D. Nath, learned Senior Government Advocate for the State respondents.

2. By way of this Interlocutory Application in WP(C) No. 3125/2024, the applicant is seeking inter alia direction for restraining the State authorities from giving effect to the impugned Show Cause Notice dated 02.09.2024 issued by the Director of Welfare of SC & BC, Assam.

3. The facts of the case is that though her father belongs to General category, she was born and raised in the ancestral home of her mother, who belongs to Koch community (OBC) and having adopted the rituals and customs of her mother's community, she suffered from disadvantages while growing up and later on, while she was studying in Class IX in the year 2006, upon her mother applying for a Caste Certificate, an OBC Certificate dated 13.11.2006 was issued. Later on the applicant pursuant to a selection process held by the APSC was appointed to the post of Assam Land and Revenue Service (Junior Grade) on 09.01.2019 as an OBC candidate. Thereafter, the applicant was posted as Circle Officer (Attached), Margherita in the district of Tinsukia.

4. It is the further case of the applicant that upon a complaint being filed by a self-styled group called Anti-Corruption Liberation Union alleging that the father of the applicant is a General category candidate and as such, the certificate obtained by the applicant is not genuine, the State Level Scrutiny Committee (herein referred to as the SLSC) under the erstwhile Welfare of Plain Tribes and Backward Class Department, Government of Assam held an enquiry and vide Speaking Order dated 26.02.2021, arrived at a finding against the applicant and accordingly, recommended cancellation of the said OBC Certificate dated 13.11.2006.

5. Pursuant to the cancellation of the said OBC Certificate dated 13.11.2006, the Secretary to the Government of Assam in the (Personnel) A Department by Order dated 12.03.2021 placed the applicant under suspension.

6. Being aggrieved by the aforesaid order of the SLSC, the applicant filed a writ petition before this Court being WP(C) No. 2286/2021, wherein the legality and validity of the said Speaking Order dated 26.02.2021 was assailed. This Court upon the aforesaid writ petition being moved on 31.03.2021 was pleased to direct in the interim to the authorities not to take any coercive steps against the applicant in the terms of the aforesaid Speaking Order dated 22.06.2021.

7. That during the pendency of the aforesaid writ petition, the applicant was served with Show Cause Notice dated 26.03.2021, wherein the applicant was asked to show cause as to why major penalty of dismissal/removal from service shall not be imposed upon in terms of the Speaking Order dated 26.02.2021 of the SLSC.

8. Accordingly an Interlocutory Application being IA(C) No. 1000/2021 was filed in WP(C) No. 2286/2021 before this Court, wherein this Court by Order

dated 22.04.2021 was pleased to dispose of the said application by staying the operation of the said Show Cause Notice dated 26.03.2021 till disposal of WP(C) No. 2286/2021.

9. Thereafter, upon the contesting parties being heard and perusal of the materials available on record, this Court vide Order dated 24.11.2022 rendered its judgment, wherein this Court was pleased to set aside and quash the Speaking Order dated 26.02.2021 of the SLSC.

10. Thereafter, the Anti Corruption Liberation Union preferred an appeal before this Court being WA No. 42/2023 challenging the aforesaid Judgment and Order dated 24.11.2022, which upon being heard, the Hon'ble Division Bench vide Judgment and Order dated 01.06.2023 was pleased to uphold the legality and validity of the applicant's OBC Caste Certificate dated 13.11.2006 and the order of the learned Single Bench dated 24.11.2022.

11. It however appears that the State authorities had also filed a Review Petition No. 6/2024 assailing the legality and validity of the Judgment & Order dated 01.06.2023 passed in WA No. 42/2023 before the Hon'ble Division Bench. Thereafter, the said review petition was withdrawn by the State authorities on 28.05.2024.

12. In the meantime, the applicant sought for reinstatement in service by revoking the Suspension Order dated 12.03.2021. Thereafter, the Deputy Commissioner, Jorhat by Order dated 28.12.2022, revoked the cancellation order dated 01.03.2021, whereby the OBC Certificate of the applicant dated 13.11.2006, stood revived.

13. However, during the currency of the Judgment & Order dated 01.06.2023 passed by the Division Bench of this Court in WA No. 42/2023, a subsequent

enquiry was held by the CID on 31.07.2023 to look into the legality and validity of the earlier Enquiry Report dated 03.10.2019, which had already undergone the scrutiny of this Court.

14. Infact, another enquiry on 26.12.2023 was also conducted by the authorities to look into the veracity of the applicant's Caste Certificate.

15. The aforesaid enquiry dated 31.07.2023 and dated 26.12.2023 being in direct conflict with Judgment & Order dated 01.06.2023 passed by the Division Bench of this Court, the applicant approached this Court under Article 226 of the Constitution of India by filing a petition being WP(C) No. 3125/2024 and this Court on 24.06.2024 was pleased to issue notice.

16. During the pendency of the aforesaid writ proceeding, i.e., WP(C) No. 3215/2024, the authorities on 02.09.2024 issued a show cause notice to the applicant, wherein the applicant has been intimated that the SLSC in its meeting held on 25.07.2024 has decided to initiate a *denovo* enquiry as regards the status of the Caste Certificate issued to the applicant.

17. Situated thus, the present Interlocutory Application in WP(C) No. 3125/2024 has been filed seeking inter alia stay of the operation of the said Show Cause Notice dated 02.09.2024.

18. Mr. K.N. Choudhury, learned Senior Counsel submits that pursuant to the Single Bench and Division Bench of this Court having held the Caste Certificate issued to the applicant valid, by upholding the enquiry held by the Inspector of Police, CID, the issue as regards the Caste Certificate has attained finality.

19. He further submits that the Enquiry Report dated 03.10.2019 of the Inspector of Police, CID was also tested and upheld by the Division Bench. He further submits that once the issue of the Caste Certificate having attained

finality and the Enquiry Report dated 03.10.2019 being tested and upheld by the Division Bench, it is not open for the respondent authorities to initiate a *de novo* enquiry in the said issue.

20. *Per contra*, Mr. D. Nath, learned Senior Government Advocate submits that an enquiry has been necessitated in terms of the legal opinion received in the matter and he accordingly draws the attention of this Court to paragraph IV of the affidavit-in-opposition filed in the writ petition

21. He further submits that *denovo* of fresh enquiry is permissible in the case in hand as the earlier enquiry into the Caste Certificate is found to be vitiated by fraud and that the same was issued without any proper enquiry.

22. I have given my prudent consideration to the arguments made by the learned counsel for the parties and have perused the materials available on record.

23. It appears that the Caste Certificate issued in favour of the applicant was cancelled by the SLSC vide a Speaking Order dated 26.02.2021 which necessitated the petitioner to approach this Court by way of a writ petition being WP(C)/2286/2021.

24. It further appears that during the course of hearing of the writ petition, the State of Assam presented the original records before the Court *inter alia* containing an Enquiry Report dated 03.10.2019 conducted under supervision of Superintendent of Police (CID), Assam, Guwahati with regards to the OBC Certificate of the applicant/writ petitioner.

25. It further appears that the said enquiry was conducted by the Inspector of Police, CID, Assam and the Enquiry Report dated 03.10.2019 was submitted, wherein it was found that the subject OBC Caste Certificate of the applicant is

genuine.

26. It further appears that placing reliance on the said report, the learned Single Judge vide order dated 24.11.2022 affirmed the findings of the Enquiry Officer in the Report dated 03.10.2019 and set aside the Speaking Order dated 26.02.2021 issued by the SLSC.

27. Apt to refer, to the relevant paragraphs of the aforesaid Judgement dated 24.11.2022 passed by this Court is reproduced hereunder for ready reference:-

“At this stage, the D. Mazumdar, learned Additional Advocate General, Assam, has produced the records before this Court, which contains the enquiry report, submitted by the Superintendent of Police, CID, Assam, Guwahati, with regard to OBC certificate of the petitioner. The enquiry report is dated 3.10.2019 made by the Inspector of Police, CID, Assam: The said enquiry report is also reproduced herein below:-

“In inviting a reference to the subject cited above, I beg to state that I have been directed to conduct enquiry on the contents Incorporated in the complaint letter received from the Directorate of Welfare of Plain Tribes and Backward Classes, Assam, enclosing three different complaints, one of which was submitted by Compl. 1) Sri Biman Hazarika, President of all Koch Rajbongshi Students Union, Jorhat and six others stating that Smt. Moonsoon Barkakati D/O Santanu Barkakati resident of Club road Jorhat, 2) Sri Ranjit Konwar, ACS Addl. Deputy Commissioner, Dibrugarh against Vicky Patel S/O Sakaldeo Patel resident of Moran, Dibrugarh and 3) Superintendent of Police, CM's Special Vigilance Cell, Assam, Guwahati against Hussain Ahmed S/O Late Abdul Malik Vill. Nagharia, P.O. Baraigram, P.S. Patherkandi, District- Karimganj, Assam challenging their OBC Caste Certificates.

As entrusted, I visited the different given locations of the alleged persons and found the findings which have been presented below :-

1) In respect of Smti Moonsoon Barkakati, I visited her parental address and present address i.e. Golaghat and Jorhat. In course of enquiry it is found that father of the alleged namely Dr. Santanu Barkakati born and brought up at Silpukhuri, Guwahati, followed the original rites i.e. rites of Kalita community and got appointment as medical officer who was posted at Jorhat. The said doctor got married with a lady at Jorhat hailing from Koch (OBC) community and use to reside at Matrimonial house wherein the alleged Miss Moonsoon Borkakoti got birth at her mother's house on 12.04.1990 and since then she started her education

at Jorhat and accepted the customs of Koch community. During 2006 while she was the student of class-X, she applied for OBC caste certificate on the merit of her mother's custom. It is fact that the father of the alleged though got appointment as MBBS doctor however, he was not moved for OBC certificate as he was not born at Koch community. It is pertinent to mention here that in respect of Issuing OBC certificate Hon'ble Supreme Court of India passed a verdict referred to civil appeal number 654 of 2021 on 18th January and in connection with appeal Hon'ble Supreme Court of India passed Judgment that the child generally belongs father's caste however, the child can claim mother's caste also in certain situation that if the child is born and brought up at the house of her mother who is hailing from other community then that of her father. It is fact that the judgment promulgated not directly related with OBC community however, the situation incorporated carried the ingredients for which the alleged Moonsoon Barkakati is seemed to be entitled for obtaining OBC caste certificate. Moreover, the issuing agency clarified that the certificate issued is genuine and issued from their office. The photocopy of OBC certificate issued by the President, All Assam Other Backward Classes Association, Guwahati, copy of certificate issued by local Gaonburah namely Diganta Baruah of Sekonidhara Gaon, 3 no. Town Mouza Jorhat East Revenue Circle, local Gaonburah certificate issued by Sri Tarun Ch. Hazarika Gaonburah of Betioni Kakoti Gaon, Mauza Dhekial, Dist. Golaghat and copy of judgment passed by Hon'ble Supreme Court of India in connection with Civil Appeal No.654 of 2021 decided on January, 18 of 2012 are enclosed here with as annexure-"A".

As such, It is established that the allegation brought against Smti Moonsoon Barkakati D/O Santanu Barkakati resident of Club road Jorhat, is based on no truth. The complainant perused only the father's caste but did not go through the legal findings of Hon'ble Supreme Court of India.

2) The Informant Ranjit Konwar, ACS, ADC, Dibrugarh request for conducting enquiry against Vicky Patel S/O Sakaldeo Patel resident of Moran, Dibrugarh who claimed to be Kurmi community by the virtue of that community he is claiming for OBC certificate against his name and asked to submit report on the legitimacy of his claim.

It is fact that the person noted still have not got the OBC certificate. The matter of considering the community is exclusively the matter State Government and OBC Development Board, for which I would like to submit that the information required may be collected from the State Government or OBC Development Board, Assam.

3) Superintendent of Police, CM's Special Vigilance Cell, Assam, Guwahati send letter against Hussain Ahmed S/O Late Abdul Malik Vill. Nagharia, P.O. Baraigram, P.S. Patherkandi, District- Karimganj, Assam requesting

to verify the caste certificate issued against Hussain Ahmed and to submit report thereon.

Accordingly as the person in question hailing from Patherkandi under Karimganj District, local verification at the given address is done and found that the person hailing from Kiran Shaikh (OBC) community. The Office of the Deputy Commissioner, Karimganj (Administrative Branch) communicated vide that office letter number KAP.8/96/Pt-17101 Dated 23rd Sept./2019 mentioning that the name of Hussain Ahmed S/O Late Abdul Malik Vill. Nagharia, P.O. Baralgram, P.S.- Patherkandi, District-Karimganj, Assam is of Kiran Shaikh (OBC) community. The office also enclosed the letter mentioning the community who have been treated as OBC (both the copies have been enclosed). Moreover, on the very incident, another complaint was received by this office and Inspector Bhagaban Kalita was entrusted into the matter vide CID Enquiry Cell Enquiry Number CID Cell-XXI/Eng No. 34/18/263 dtd. 13.08.18 who on completion of enquiry submitted closure report which was accordingly approved. For ready reference the related documents have been enclosed as annexure-"B",

Under the above fact and circumstances I am submitting the closure report with prayer to passed order for closing up the enquiry and obliged."

A perusal of the enquiry report dated 3.10.2019 clearly indicates that the allegation brought against the petitioner is based on no truth and, accordingly, closure of the enquiry was recommended.

Perusal of the records produced by the learned Additional Advocate General also indicates that the respondents has proceeded in terms of the procedure laid down by the Hon'ble Supreme Court in the case of Kumari Madhuri Patil (supra) and the final report was submitted on 3.10.2019.

Accordingly, considering the enquiry report dated 3.10.2019, the impugned speaking order dated 26.2.2021 issued by the State Level Scrutiny Committee against the petitioner is set aside and quashed."

28. Apparent that, this Court upon perusal of the Enquiry Report dated 03.10.2019, which found the allegation brought against the applicant, as regards the subject Caste Certificate is based on no truth, accepted the said Enquiry Report and accordingly, set aside the said Speaking Order dated 26.02.2021 issued by the SLSC against the applicant.

29. It further appears that thereafter the Anti-Corruption Liberation Union preferred an appeal in WA No. 42/2023 against the aforesaid Speaking Order

dated 26.02.2021, wherein the Division Bench of this Court by Judgment & Order dated 01.06.2023 also after testing the report of the Vigilance Officer i.e., Inspector of Police, CID on the touchstone of the principles laid down by the decision of the Apex Court in the case of ***Kumari Madhuri Patil and another vs. Addl. Commissioner, Tribal Development and others***, reported in ***(1994) 6 SCC 241*** held that the enquiry report submitted by the Inspector of Police, CID does not indicate even in the slightest that the particulars given by the applicant were false or the social status certificate have been fraudulently obtained.

30. Paragraphs 15 & 16 of the aforesaid judgment of the Division Bench are reproduced here under for ready reference.

“15. Testing the report of the Vigilance Officer, i.e. the Inspector, CID, on the touchstone of the principles laid down in the case of Kumari Madhuri Patil (supra), we find that the enquiry report submitted by the Inspector, CID, does not indicate even in the slightest that the particulars given by the candidate were false or that the social status certificate had been fraudulently obtained. Thus, in terms of the first part of paragraph 13.7 of the guidelines formulated in Kumari Madhuri Patil (supra), which provides that. "In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken...." no further action. was called for in the present case after the detailed and reasoned enquiry report had been submitted by the Enquiry Officer. However, the SLSC got another parallel enquiry conducted through Circle Officer, Jorhat Revenue Circle, who apparently had no jurisdiction to carry out such enquiry, as indicated above (supra). Another significant fact, which needs to be noticed is that as the report of the Inspector, CID, which was submitted after conducting a thorough enquiry in terms of Kumari Madhuri Patil (supra), did not give any Indication that the social status certificate was obtained by the respondent/writ petitioner by providing any false or fraudulent Information, rather concluded that the social status certificate was validly and lawfully obtained, the authorities had no option but to accept the report and affirm the social status certificate of the respondent/writ petitioner as per the guidelines contained in paragraph 13.7 of the judgment in Kumari Madhuri Patil (supra). Hence, the contrary conclusion drawn by the State Level Scrutiny Committee is absolutely illegal and unwarranted.

16. As a consequence of the above discussion, we are of the firm opinion that the learned Single Judge was perfectly justified In accepting the writ petition filed by the respondent no. 1 herein and quashing the speaking order dated 26.02.2021, passed by the State Level Scrutiny Committee, and affirming the social status of the respondent no. 1 herein as OBC ("Koch"). Thus, the Impugned order does not suffer from any infirmity and, as a consequence, the writ appeal falls and the same is dismissed as being devoid of merit."

31. Therefore, it is manifestly apparent that both the learned Single Judge and the Division Bench of this Court has affirmed the findings of the Enquiry Report dated 03.10.2019 of the Inspector of Police, CID. It appears that despite of the aforesaid orders of the Division Bench of this Court, the respondents have taken the decision to initiate a *denovo* enquiry as regards the Caste Certificate of the applicant on the basis of a legal opinion which is projected in paragraph IV of the affidavit-in-opposition filed by the respondent Nos. 1, 2 & 3 on 18.07.2024.

32. Paragraph IV of the said affidavit-in-opposition is reproduced herein below for ready reference:-

"IV. Pursuant to the Hon'ble Court order dated 24.11.2022 passed in W.P. (C) No.2286/2021 and the subsequent order dated 17.2.2023 passed in WP(C) No.682/2023 the matter relating to the service of the petitioner is under consideration of the higher authorities in the Government. The Authorities have explored the available legal remedies against the order dated 24.11.2022 passed in W.P. (C) No. 2286/2021 and obtained legal opinion as regard the service of the petitioner and follow up action to be taken in view of the Hon'ble Court Orders as mentioned above. In the legal opinion, displeasure has been expressed as regard the manner in which the Caste verification report dated 21.10.2019 was submitted by the CID, Assam on the basis of the enquiry report dated 3.10.2019 submitted by the Inspector of CID and also pointed out various issues and it was suggested that the Judgment passed in W.P. (C) No. 2286/2021 and all subsequent orders requires to be challenged before the Appellate Forum. However, in view of W.A No. 42/2023 filed by one "Anti Corruption Liberation Union" against the Judgment dated 24.11.2022 and dismissal of the aforesaid Appeal by Judgment dated 01.06.2023, the Department could not file the Appeal. The department was further advised to prefer SLP before the Hon'ble Supreme Court of India in that event. The Competent Authority on 14.06.2023 has also directed the Principal Secretary, Home and Political and Personnel

Department to examine as to whether there was malafide intent or misconduct on the part of the concerned S.P., CID and the Inspector of CID in reference to the caste verification report submitted by them. Accordingly, the Personnel Department requested the Home & Political Department to make an enquiry into the manner in which the caste verification report was submitted by the CID officials. In response to the same the Joint Secretary to the Government of Assam, Home and Political Department by a letter dated 14.11.2023 furnished the letter dated 07.08.2023 issued by the IGP, CID, Assam stating inter alia that there was no malafide intent or conduct on the part of the S.P., CID, Assam in connection with the enquiry, however, the Enquiry reveals that the Inspector Dibyajyoti Dutta, the then inspector has made a perfunctory Enquiry while verifying the caste status of the petitioner and various vital aspects were not considered by the Enquiry Officer. The Joint Secretary to the Government of Assam, Home and Political Department has also provided a copy of the enquiry report dated 31.7.2023 which was conducted to ascertain as to whether there was any malafide intent of conduct on the part of the earlier Enquiry officer or not."

33. Reading of the aforesaid paragraph, it appears that the very basis of issuing the Show Cause Notice dated 02.09.2024 pertaining to the decision to initiate a *denovo* enquiry as regards the status of the Caste Certificate issued to the applicant, is due to a legal opinion which expressed "displeasure" as regards the earlier Enquiry Report dated 03.10.2019 conducted by the Inspector of Police, CID, Assam. Pertinent that the said affidavit-in-opposition is sworn by one Rup Kamal Rabha, who is serving as Deputy Secretary to the Government of Assam, (Personnel) A Department, wherein he averred that pursuant to this Court's Order dated 24.11.2022 passed in WP(C) No. 2286/2021 and subsequent Order dated 17.02.2023 passed in WP(C) No. 682/2023 pertaining to the consideration of the service of the petitioner, the authorities have explored the available legal remedy against the Order dated 24.11.2022 passed in WP(C) No. 2286/2021 and obtained legal opinion as regards the service of the petitioner and follow up action to be taken in view of the Hon'ble Court

orders.

34. It is further averred that in the legal opinion received, displeasure has been expressed as regard the manner in which the Caste Verification Report dated 21.10.2019 was submitted by the CID, Assam on basis of the Enquiry Report dated 03.10.2019 submitted by the Inspector of Police, CID and wherein it also pointed out various issues and it was suggested that the Judgment passed in WP(C) No. 2286/2021 and all subsequent orders requires to be challenged before the appellate forum.

35. It appears that no appeal against the said Judgment & Order of the Division Bench dated 01.06.2023 has been filed by the State authorities before the Apex Court. Pertinent that though the State authorities have filed a review petition being Revision Petition No. 6/2024 against the said Judgment & Order dated 01.06.2023 passed in WA 42/2023 before the Division Bench of this Court, curiously the same was withdrawn by the State authorities.

36. Apparent thus that the respondent authorities based on the aforesaid legal opinion, decided to initiate *denovo* enquiry against the issue of the applicant's Caste Certificate and accordingly, the Show Cause Notice dated 02.09.2024 has been issued. It defies the logic and conscience of this Court as how the respondent's legal officer has expressed "displeasure" to the Enquiry Report dated 03.10.2019, which has been tested both by the Single Judge and the Division Bench of this Court and has been found to be valid. This Court strongly depreciates the tone and tenor of the language used in paragraph IV of the said affidavit-in-opposition filed by Respondent 1, 2 and 3 filed on 18.07.2024. It is expected that respondent officials be mindful of the languages used in the affidavit-in-opposition filed before the Court of law.

37. It appears that the respondent authorities though filed a review against the Judgment & Order of the Division bench 01.06.2023, has later on withdrawn the same and has not preferred any appeal before the Apex Court. Therefore, the Enquiry Report dated 03.10.2019 which was tested and upheld by the Single Bench and the Division Bench of this Court has attained finality.

38. As such, the conduct of the respondents to initiate *denovo* enquiry against the applicant pertaining to the issue of the subject caste certificate appears to be in gross circumvention of the orders passed by both Single Bench and the Division Bench of this Court and therefore, the same is wholly contemptuous. In fact, it is apparent that the respondents have resorted to issuance of the Show Cause Notice dated 02.09.2024 only to circumvent the order of this Court as stated above. The said acts of the respondent authorities are not bonafide and appear to have been exercised in extraneous consideration.

39. The argument of Mr. D. Nath, learned Senior Government Advocate as regard their being materials to indicate that the applicant has obtained the subject Caste Certificate falsely, cannot in the considered opinion of this Court be revisited for the reasons stated herein above.

40. Therefore, the Show Cause Notice dated 02.09.2024 is illegal and as such, this Court stays the operation of the Show Cause Notice bearing No. E-312158/2023/15 dated 02.09.2024 till the final disposal of the WP(C) No. 3125/2024.

41. The Interlocutory Application accordingly stands disposed of.

JUDGE

Comparing Assistant