

GAHC010241402023



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

Case No. : WA/403/2023

DRIBBLEENA SARANIA
D/O SRI KHARGESWAR SARANIA, VILL- BHAKATPARA, P.O.-TAMULPUR,
P.S.-TAMULPUR, DIST- BAKSA (BTC), ASSAM, PIN-781367

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF TRIBAL AFFAIRS (PLAINS), ASSAM
SECRETARIAT, DISPUR, GUWAHATI-6

2:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
CHAIRMAN SELECTION BOARD
SIXMILE
KHANAPARA
GUWAHATI-22

4:THE DEPUTY COMMISSIONER
BAKSA DISTRICT
MUSALPUR
DIST-BAKSA (BTC)
ASSAM
PIN-781372

5:THE SUB-DIVISIONAL OFFICER (C)
TAMULPUR SUB-DIVISION

P.O. AND P.S.-TAMULPUR
DIST- BAKSA (BTC)
ASSAM
PIN-781367

6:TAMULPUR DISTRICT TRIBAL SANGHA
REPRESENTED BY THE PRESIDENT
TAMULPUR TOWN
P.O.- P.S.- TAMULPUR
DIST-BAKSA (BTC)
ASSAM
PIN-78136

Advocate for the Petitioner : MR. M SARANIA, MR. P P GOGOI, MS. A SARANIA, MS. C NEWME, MR A SARANIA, MR R. BEZBARUAH

Advocate for the Respondent : SC, TRIBAL AFFAIRS (PLAIN), SC, HEALTH AND F W, GA, ASSAM

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

31.07.2024

(Vijay Bishnoi, CJ)

This Court vide order dated 06.05.2024 had directed the appellant/writ petitioner to approach the State Level Scrutiny Committee along with the certificate of the General Secretary of Bodo Sahitya Sabha dated 29.09.2023, declaring her status as a member of ST(P), within a period of two weeks. It was further directed that the State Level Scrutiny Committee shall conduct a thorough enquiry as per law laid down by the Hon'ble Supreme Court in **Kumari Madhuri Patil Vs. Additional Commissioner, Tribal Development & others** reported in **(1994) 6 SCC 241** and thereafter, pass a reasoned order within a period of two months.

Learned counsel for the respondents has submitted that pursuant to the order dated 06.05.2024 the appellant has submitted an application before the State Level Scrutiny Committee on 10.05.2024 wherein she has stated that the certificate of Bodo Sahitya Sabha, on the basis of which this Court had passed the order dated 06.05.2024, is not available with her. She has further prayed that her entitlement for status of ST(P) Boro Kachari be decided on the basis of the land documents belonging to her grandparents. Learned counsel for the respondents has submitted that vide order dated 29.05.2024 the appellant was again granted time to produce the said certificate issued by the Bodo Sahitya Sabha but till date the appellant has not produced the said certificate.

Be that as it may, we direct the State Level Scrutiny Committee to consider and decide the claim of the appellant, taking into consideration the document, on the basis of which she is claiming the status of ST(P) Boro Kachari community and pass an order within a period of four weeks from today. We make it clear that we are not expressing any opinion on the merits of the case.

With these observations the Writ Appeal is disposed of.

Needless to say that if the appellant is aggrieved by the decision of the State Level Scrutiny Committee, she is free to avail appropriate remedy available to her under the law.

JUDGE

CHIEF JUSTICE

Comparing Assistant