

**HIGH COURT OF TRIPURA
AGARTALA**

W.A. No.80/2024

1. The State of Tripura, represented by the Secretary, Tribal Welfare Department, Government of Tripura, Civil Secretariat, New Capital Complex, Lichu Bagan, P.S.-NCC, West Tripura, PIN-799010.
2. The State Level Scrutiny Committee, represented by the Member Secretary, (The Director of Scheduled Tribe Welfare), Government of Tripura, Pandit Nehru Complex, Gurkhabasti.
3. The Director, Tribal Welfare Department, Government of Tripura, Pandit Nehru Complex, Gurkhabasti, Agartala, West.
4. The Superintendent of Police, Vigilance Department, Government of Tripura, Agartala PHQ, West Tripura.
5. The Sub Divisional Magistrate, Khowai Sub-Division, Government of Tripura, P.O.-Khowai, Khowai Tripura.
6. The Sub Divisional Magistrate, Belonia Sub-Division, Government of Tripura, P.O.-Belonia, South Tripura, Agartala, West Tripura.

..... Appellant(s).

V E R S U S

Sri Subrata Kairi, S/O. Late Bhagaban Kairi, Vill.-Asharambari, P.O.-Asharambari, P.S.-Tulasikhar, District-Khowai Tripura, Age-44 years.

.....Respondent(s).

For Appellant(s) : Mr. Dipankar Sarma, Addl. G.A.

For Respondent(s) : Mr. Suman Bhattacharjee, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Order

24/11/2025

Heard Mr. Dipankar Sarma, Addl. Government Advocate appearing for the appellants and Mr. Suman Bhattacharjee, counsel for the respondent.

2. The respondent was born on 03.02.1979. The respondent is the son of Late Bhagaban Kairi who was employed in the Tripura Forest Development and Plantation Corporation Limited. The respondent's father had

joined the said organization on 14.08.1980 under the General Category and had been killed by extremists in the year 2000.

3. During the lifetime of the respondent's father, he had also been granted a certificate on 30.04.1984 certifying that he belongs to the Scheduled Tribe community.

4. On the death of the respondent's father, under the die-in-harness scheme, the respondent was appointed as an Office Assistant. The respondent had also been issued a caste certificate on 19.05.1989, on the basis of the caste certificate issued to his father, that the respondent belongs to the Scheduled Tribe community.

5. In the year 2019, a person by name Jiban Kr. Dasgupta challenged the Scheduled Tribe status of the respondent.

6. The matter was then placed before the State Level Scrutiny Committee (respondent No.2) and the said respondent passed an order on 12.07.2023 cancelling the Scheduled Tribe certificate granted to the respondent and directed him to handover the original certificate within 7(seven) days.

7. Challenging the same, the respondent filed WP(C) No.457 of 2023.

8. The learned Single Judge allowed the said Writ Petition and set aside the order dt.12.07.2023 of the respondent No.2 cancelling the Scheduled Tribe certificate granted to the respondent.

9. Challenging the same, this appeal is filed by the State.

10. The fact that the respondent secured employment under the die-in-harness scheme on account of the death of the respondent's father in the

year 2000 in extremist violence, and that he joined service on 09.02.2021 as an Office Assistant, is undisputed.

11. Therefore, it is not a case of the respondent securing employment on the ground that he belongs to the Scheduled Tribe community.

12. Moreover, the certificate issued to the respondent that he belongs to the Scheduled Tribe community, had been issued on 19.05.1989 when he was 10(ten) years old, probably on the basis of the certificate issued to his father prior thereto on 30.04.1984.

13. A perusal of the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 (for short, '*the Act*') shows that with a view to curb persons securing employment by procuring false caste certificates, the said Statute was enacted.

14. Under sub-section (4) of Section 8 of the Act, if a person, not being a person belonging to the Scheduled Caste or Scheduled Tribe community, obtains a community certificate in his favour from the competent authority by furnishing false information or giving false statement or declaration or misrepresenting facts or adopting any other fraudulent means, he is liable to be punished with rigorous imprisonment for a term which may extend to five years and also with fine.

15. In Section 8(5) of the said Act, there is a provision for prosecution leading to imprisonment for a term which may extend to five years to a person not belonging to the Scheduled Caste or Scheduled Tribe community if he gets elected to any office reserved for such community on the basis of a false community certificate. This provision has no relevance to the instant case.

16. Under sub-section (11) of Section 8, if a person not being a person belonging to the Scheduled Castes or the Scheduled Tribes secures any appointment to any service on the basis of false certificate in any establishment under the State, he shall, on cancellation of the community certificate, be forthwith terminated from the service or post.

17. Thus, the purport of the Statute is to prosecute and imprison or terminate employment of persons who have secured employment by producing false Scheduled Tribe or Scheduled Caste certificates.

18. In the instant case, admittedly the respondent had been appointed not on the basis of the Scheduled Tribe community certificate which he secured in 1989 when he was 10(ten) years old, but on the basis of being a son of an employee who died due to extremist violence under the die-in-harness scheme. Therefore, it cannot be said that he secured employment on the basis of a false Scheduled Tribe certificate.

19. The certificate in question having been issued to the respondent in 1989 when he was barely 10(ten) years old, it cannot be said that the respondent had committed a crime by securing such certificate by furnishing false information or giving false statement or declaration or misrepresenting facts or adopting any other fraudulent means. This is because the said certificate was issued to him on the basis of the caste certificate issued to his late father in the year 1984, which had not been questioned or cancelled during his father's lifetime.

20. When the respondent is not liable for either prosecution or to lose his employment on account of the above reasons, we fail to understand why the complaint given by the third party was entertained at all and the process

for cancelling the caste certificate issued to the respondent was initiated at all. When such is the position, we see no reason to interfere with the judgment rendered by the learned Single Judge on 08.04.2024 in WP(C) No.457 of 2023.

21. Accordingly, the appeal fails and is dismissed with costs of Rs.50,000/- (rupees fifty thousand) to be paid by the appellants to the respondent.

Pending application(s), if any, also stands disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)

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