

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.29 of 2025

Sri Sew Prasad Biswas,

S/o Lt. Bhabani Ranjan Biswas, resident of Vill Kumarghar, P.O. Kumarghat,
Sub-Division Kailashar, District Unakoti.

.....Appellant(s)

V E R S U S

1. The State of Tripura,

Represented by the Secretary, Department of Welfare for Schedule Caste & OBC, Government of Tripura, New Secretariat Building, PS New Capital Complex, PO Kunjaban, Agartala, District West Tripura, PIN 799006.

2. The Secretary,

Department of GA (P & T) Government of Tripura, New Secretariat Building, PS New Capital Complex, PO Kunjaban, Agartala, District West Tripura, PIN 799006.

3. The State Level Scrutiny Committee,

Represented by the Member-Secretary, Director for Welfare for Schedule Caste & OBC, Government of Tripura, New Secretariat Building, PS New Capital Complex, PO Kunjaban, Agartala, PIN 799006, District West Tripura.

4. The Chairman, State Level Scrutiny Committee,

The Secretary, Department of Welfare for Schedule Caste & OBC, Government of Tripura, New Secretariat Building, PO Kunjaban, Agartala, PIN 799006, PS New Capital Complex, District West Tripura.

5. The Member-Secretary, State Level Scrutiny Committee,

The Director, Department of Welfare for Schedule Caste & OBC, Government of Tripura, New Secretariat Building, PO Kunjaban, PIN 799006, PS New Capital Complex, Agartala, District West Tripura.

.....Respondent(s)

WA No.32 of 2025

Sri Abhisek Biswas,

S/o Sri Sew Prasad Biswas, resident of Vill Kumarghat, PO Kumarghat, Sub-Division Kailashar, District Unakoti, Tripura.

.....Appellant(s)

V E R S U S

1. The State of Tripura,

Represented by the Secretary, Department of Welfare for Schedule Caste & OBC, Government of Tripura, New Secretariat Building, PS New Capital Complex, PO Kunjaban, Agartala, District West Tripura, PIN 799006.

2. The Secretary,

Department of GA (P & T) Government of Tripura, New Secretariat Building, PS New Capital Complex, PO Kunjaban, Agartala, District West Tripura, PIN 799006.

3. The State Level Scrutiny Committee,

Represented by the Member-Secretary, Director for Welfare for Schedule Caste & OBC, Government of Tripura, New Secretariat Building, PS New Capital Complex, PO Kunjaban, Agartala, PIN 799006, District West Tripura.

4. The Chairman, State Level Scrutiny Committee,

The Secretary, Department of Welfare for Schedule Caste & OBC, Government of Tripura, New Secretariat Building, PO Kunjaban, Agartala, PIN 799006, PS New Capital Complex, District West Tripura.

5. The Member-Secretary, State Level Scrutiny Committee,

The Director, Department of Welfare for Schedule Caste & OBC, Government of Tripura, New Secretariat Building, PO Kunjaban, PIN 799006, PS New Capital Complex, Agartala, District West Tripura.

.....Respondent(s)

For Appellant(s) : Mr. D.C. Saha, Advocate.

For Respondent(s) : Mr. D. Sarma, Addl. G.A.

Date of hearing : **6th November, 2025.**

Date of delivery of Judgment : **15th January, 2026.**

Whether fit for reporting :

YES	NO
	√

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

JUDGMENT & ORDER

Common issues being involved in both the appeals, both were heard together and are being disposed of by this common judgment.

[2] The petitioner of WP(C) No.748 of 2023 (connected WA No.29 of 2025) (hereinafter referred as 1st petitioner) is the father of the petitioner of WP(C) No.749 of 2023 [connected WA No.32 of 2025] (hereinafter referred as 2nd petitioner).

[3] For better narration of the disputes involved between the parties, a brief sketch of the same are described separately in few paragraphs.

[4] The 1st petitioner retired as Additional Secretary, Govt. of Tripura on 31.01.2016 enjoying the benefits as a member of scheduled caste community. On 01.02.1978, the Sub Divisional Officer, Kailashahar issued a scheduled caste certificate in favour of 1st petitioner. Thereafter, he joined in the service as Additional Tahasildar on 05.02.1979 against reserved quota. Gradually, he got promotions one after another and finally, went on superannuation as Additional Secretary as stated above.

[5] In the year 1998, a complaint was lodged against him by one Sudhir Das of Santir Bazar, Kamalpur alleging that he did not belong to Namasudra Community and therefore was not a member of scheduled caste community in Tripura. At that time, he was serving as Additional Sub-Divisional Officer, Longtharai Valley, Dhalai. Based on said complaint, a vigilance inquiry was conducted by SI of Police namely, Sri N.L. Debbarma who submitted the report that his scheduled caste certificate was genuine. Said inquiry officer also observed that during inquiry he had found that the original records of the office of SDO, Kailashahar relating to caste certificate of the 1st petitioner was already destroyed and thereafter he examined the 1st petitioner and his other relatives along with some local witnesses of his area. The

Superintendent of Police (Vigilance), Tripura thereafter communicated said report to the Deputy Secretary, Administrative Reforms Department, Govt. of Tripura. Said inquiry was accordingly dropped.

[6] But, thereafter, the Member-Secretary of State Level Scrutiny Committee (hereinafter referred as SLSC) again issued a show cause notice to the 1st petitioner on 19.01.2007 informing him that a complaint was received against him with the allegation that he had obtained the SC certificate by misrepresentation of facts and thereafter, inquiry was conducted with the officials of Vigilance Department in which it revealed that he did not belong to SC community. Therefore, he was given an opportunity by said notice to represent his case with all relevant records/evidences before taking final decision in the matter of cancellation of his SC certificate. He, thereafter, submitted his reply to the Member-Secretary of SLSC.

[7] The SLSC then vide order dated 09.10.2007 cancelled the scheduled caste certificate of the 1st petitioner. Challenging the said order, he filed WP(C) No.38 of 2008 before this Court.

[8] By another order dated 21.05.2011, the SLSC also cancelled the scheduled caste certificate of the 2nd petitioner preceded by issuance of one show cause notice issued to him and therefore, he also approached the High Court by filing WP(C) No.254 of 2011.

[9] Both the said writ petitions were disposed of by this Court vide judgment dated 10.07.2015 by quashing the said two orders of cancellation of their SC certificates with further direction to SLSC to decide the matter afresh after providing opportunities to the petitioners including their personal hearing.

[10] The SLSC in compliance of the direction of this Court again issued show cause notices on 03.10.2015 to both the petitioners after obtaining opinion of SC Welfare Sub-Committee and the report of the State Vigilance Cell. Manu Block Level Scheduled Caste Sub-Committee observed in their meeting dated 12.08.2015 that the 1st petitioner was not a member of scheduled caste community. The SLSC also requested the vigilance cell vide their letter dated 30.07.2015 for enquiry of the matter and in turn the Vigilance Officer (Inspector of Police, Vigilance), Tripura recorded statements of some witnesses and finally observed vide his report dated 24.08.2015 that both the petitioners did not belong to scheduled caste community. Finally, the SLSC vide their order dated 07.01.2016 cancelled the SC certificate of 1st petitioner and vide order dated 03.02.2016 cancelled the SC certificate of 2nd petitioner.

[11] Thereafter, both the petitioners preferred WP(C) No.55 of 2016 and WP(C) No.702 of 2017 respectively in the High Court and both the writ petitions were disposed of by common judgment dated 03.02.2021 by remitting the matter again to the SLSC to re-examine and re-hear the petitioners keeping in mind the fresh documents as submitted by them by way of supplementary affidavits in the Court. Against said order, the State preferred WA No.175 of 2021 and WA No.176 of 2021 and the Division Bench of the High Court ultimately dismissed the appeals vide orders dated 06.12.2022.

[12] The SLSC thereafter took up the matter again for consideration in the light of the direction of the learned Single Judge passed in said writ petitions on the following points:

(i) Whether OP has adduced supplementary documents, which can be considered as sufficient evidence to discard the accusation of obtaining false SC certificate by the OP.

(ii) Whether the Caste Certificate of his father and other relatives were obtained in due course and those can be considered as the basis of the Caste Certificate of the OP.

[13] As it appears, the SLSC gave opportunities to the 1st petitioner to produce authenticate government documents issued prior to the date of issue of caste certificate in his favour along with any other supporting documents of his ancestors or of any other elderly member of his family to which the 1st petitioner produced three documents in photocopies and all those documents were issued in his favour and not in the name of any of his ancestors or elderly relative and those documents were also related to his employment, absorption and promotion in different civil service posts. It was also observed by the SLSC that the caste certificate of father of the 1st petitioner was issued on 02.05.1981 whereas caste certificate of the 1st petitioner was issued on 01.07.1978 and therefore it was a case where caste certificate of son was issued prior to the issuance of caste certificate in favour of his father and the caste certificate of 1st petitioner was issued when he was temporarily engaged as contingent worker at the Block Headquarter, Chailangta. According to said committee, the 1st petitioner has utilized his official capacity to obtain a caste status certificate by using unscrupulous means. He was also asked to produce any additional evidence, if any, but he denied. He was also apprised about his entitlement to engage any advocate but he also denied the same. Finally, after taking into

consideration of all the documents and above said facts, the SLSC observed in the impugned order dated 17.08.2023 that the 1st petitioner had failed to prove that his caste status certificate was genuinely issued and therefore, same was cancelled and confiscated. Consequently, they also passed order for cancellation of caste certificate of the 2nd petitioner.

[14] Challenging the said common order dated 17.08.2023, above said two writ petitions bearing No. WP(C) 748 of 2023 and WP(C) 749 of 2023 were filed by both the petitioners.

[15] Learned Single Judge while dismissing both the writ petitions exhaustively dealt with the issues involved in both the writ petitions and also has taken note of Sections 2(h), 11 of the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 and Rules 5, 6 and 7A of Tripura Scheduled Castes and Scheduled Tribes Reservation Rules, 1992. Learned Writ Court also taken note of the decisions of Hon'ble Supreme Court in the cases of *Navneet Kaur Harbhajansing Kundles alias Navneet Kaur Ravi Rana vs. State of Maharashtra and others*; (2024) 12 SCC 264:2024 SCC OnLine SC 494 and *Kumari Madhuri Patil and another vs. Addl. Commissioner, Tribal Development and others*, (1994) 6 SCC 241 and finally observed as under:

“[23] It is seen from record that on 13.08.2015, a communication was made by the Block Development Officer, Manu R.D. Block Tripura(D) to the Member Secretary, SLSC (respondent No.5 herein) stating that the petitioner, Mr. Sew Prasad Biswas son of late Bhabani Ranjan Biswas does not belong to scheduled caste community as per the decision of Manu Block Level Scheduled Caste Sub-Committee meeting held on 12.08.2015. It is also seen from record that on 11.12.1997, a resolution of the meeting chaired by one Ranjit Das, the then Manu Block Level Scheduled Caste Sub-Committee was passed stating that the petitioner, Sew Prasad Biswas does

not belong to SC community. He belongs to Kayastha community i.e. General category.

[24] Thus, this Court is of the view that as per the procedure contemplated under Rule 6 of the Tripura Scheduled Castes and Scheduled Tribes Reservation Rules, 1992 for cancellation of the caste certificate, on receipt of the complaint, enquiry was ordered by the competent person and in the process of the enquiry sub-committee of scheduled caste was also approached and a resolution from the same has been obtained.

[25] Respondent-SLSC by the impugned order dated 17.08.2023 has drawn a reasonable presumption against the petitioner, Sew Prasad Biswas that he had utilized his influence decades ago for obtaining the caste status certificate, which cannot be ruled out as the SC community persons resolved that he is not a scheduled caste person and belongs to general category and the resolutions stood unchallenged. It is further reflected in the impugned order of SLSC that the petitioner was asked to produce any additional evidence, if he wants to produce, but he denied. The petitioner was also apprised that he could engage a lawyer, if he wanted to engage, but he denied the same. Therefore, basing on the enquiry reports, documentary evidence and oral evidences, the SLSC (respondent No.3 herein) has cancelled the SC certificates of the petitioners.

[26] In view of the above discussion this Court opines that the respondents in the process of cancelling the false community certificate/scheduled caste certificate of the petitioners have followed the procedure contemplated under the Act and Rules. Therefore, this Court feels that there is no infirmity in the impugned order.

In view of the above discussion, this Court finds that it is not a fit case to interfere with the decision of the respondents and the same needs to be confirmed. Hence, the order impugned dated 17.08.2023 is upheld.

Thus, the writ petitions are liable to be dismissed and accordingly, the same are dismissed. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.”

Challenging above said two writ petitions, the present writ appeals have been filed by the petitioners.

[16] Mr. D.C. Saha, learned counsel for the appellants during hearing submits that learned Writ Court failed to appreciate the certificate issued on

04.04.1994 by one Sri Ranjit Das, Chairman of Chamanu Block Level SC Committee which read that the family of the 1st petitioner was known to him for about 40 years and again said Mr. Das as Chairman cancelled his SC certificate on 11.03.2010 without showing the reason therefor. We are not convinced with said point as at present we are dealing with the cancellation of the caste certificate on 17.08.2023 and not with any previous incident relating thereto, for, already the High Court earlier set aside such cancellation and remanded matter back to the SLSC.

[17] Mr. Saha, learned counsel also submits that as because the father of the 1st petitioner was not in government service, he procured his SC certificate later on in the year 1981 to get certain financial assistance from the Government but the SLSC has taken exception to it. We are also not much convinced with such submission, for, even if such submission is accepted to be true, according to SLSC, the 1st petitioner could not produce any satisfactory document to establish independently (leaving the case of his father apart) as to how he belonged to SC community.

[18] Mr. Saha, learned counsel also gave emphasis on his submission that wrongly SLSC has cancelled SC certificates of the appellants on the basis of presumption which was, according to him, not permissible as per law. Learned counsel further contends that though SC certificate of the 1st petitioner was cancelled by SLSC but still the SC certificate issued in favour of his father stands good and when SC certificate of the father is not cancelled, the SC certificate issued in favour of son can also not be cancelled.

[19] Mr. D.C. Saha, learned counsel relies on a decision of the Hon'ble Supreme Court in case of *Director of Tribal Welfare, Government of A.P. vs. Laveti Giri and another, (1995) 4 SCC 32* wherein it was observed by the Hon'ble Apex Court that burden of proof of social status is always on the person who profess it to seek constitutional socio-economic advantages and it is no part of the duty of the State to disprove it otherwise. Hon'ble Supreme Court at paragraph No.7 further observed that admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily deprives the genuine Scheduled Castes or Scheduled Tribes or OBC candidates envisaged of the benefits conferred on them by the Constitution and to streamline the procedure for issuance of social status certificates, their scrutiny and approval, certain guidelines were also issued. The relevant portion of paragraph No.7 is extracted herein below:

"7.....

For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may in the following manner:

- 1. The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than at the Officer, Taluk or Mandal level.**
- 2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.**
- 3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.**

4. All the State Governments shall constitute a Committee of three officers, namely, (I) an Additional or Joint Secretary or any officer higher in rank of the Director of the department concerned, (II) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors to investigate into the social status claims. The Inspectors would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the proforma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be "not genuine" or 'doubtful' or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case, the candidate

seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Additional Secretary as Chairperson who shall give reasonable opportunity to the candidate/parent/ guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through counsel, the Committee may make such inquiry as it deems expedient and consider the claims vis-a-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.

7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.

8. Notice contemplated in para 6 should be issued to the parents/guardian also in case the candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social status certificates.

9. The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.

10. In case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.

11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.

12. No suit or other proceedings before any other authority should lie.

13. The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case, as per its procedure, the writ petition/miscellaneous petition/matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Division Bench but subject to special leave under Article 136.

14. In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or Parliament.

15. As soon as the finding is recorded by the Scrutiny Committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the educational institution concerned or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The Principal etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate from further study or continue in office in a post.”

[20] Mr. D. Sarma, learned Addl. G.A. counters such challenge submitting that several opportunities were given to the 1st petitioner to produce any genuine document to show that he belonged to SC community but he could not show any satisfactory evidence basing on which his SC certificate was issued by the competent authority earlier and in the writ proceeding there is very narrow scope to re-appreciate the materials placed by the parties before the SLSC acting as an Appellate Forum of SLSC. Mr. D. Sarma, learned Addl.

G.A. also submits that it was not the SC certificate of the father of the 1st petitioner against which complaint was received rather the SC certificate issued in favour of the 1st petitioner was under challenge and therefore, SLSC initiated inquiries regarding such challenges and meanwhile their decisions were subsequently quashed by the High Court on different occasions and therefore, ultimately the decision of SLSC could not reach the finality. Mr. Sarma, learned Addl. G.A. in this regard further submits that as the matter of cancellation of SC certificate of the 1st petitioner did not reach the finality, SLSC could not take step for cancellation of SC certificate issued in favour of father and other relatives of the 1st petitioner in this regard. The explanation as offered by learned Addl. G.A. appears to us to be more reasonable and acceptable.

[21] We have considered the submissions of both sides at length and also considered the materials placed on record.

[22] As per Section 11 of the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991, onus is upon the appellants to prove that they belong to scheduled caste community. Such onus becomes heavier when it is found that the SC certificate was issued in the name of 1st petitioner after his certificate was issued. From the order dated 17.08.2023 of SLSC, it appears that sufficient opportunities were given to the appellant by the said committee to place materials on his part and even they allowed him to be represented by any advocate. According to the committee, the hearing was adjourned for four dates giving opportunity to the appellants to produce documents and the 1st petitioner produced three documents in photocopies and all those documents were

issued in his favour and not in the name of any of his ancestors or elderly relatives. Moreover, those documents were relating to his employment, absorption and promotion in different civil service posts under the State Government. Therefore, they came to the conclusion that those documents could not be considered as satisfactory documents to support his caste claim. When they further asked the appellants to produce additional document, if any, they denied. The order passed by SLSC appears to be very reasoned order.

[23] In *Navneet Kaur Harbhajansing Kundles (Supra)*, the Hon'ble Supreme Court at paragraph No.20 held that when the Scrutiny Committee had applied its mind and reached to a conclusion then in such a situation the High Courts as well as the Supreme Court should refrain themselves from deeper probe into factual issues like an appellate body unless the inferences made by the authority concerned suffers from perversity on the face of it or are impermissible in the eye of law. Relevant paragraph No.20 of the said judgment is extracted hereunder:

“20. Now, when the Scrutiny Committee which is principally tasked with the fact-finding exercise for validation of caste claim, had applied its mind and reached a conclusion, then in such a situation, whether a roving enquiry by the High Court was required? It is well settled that the High Courts as well as the Supreme Court should refrain themselves from deeper probe into factual issues like an appellate body unless the inferences made by the authority concerned suffers from perversity on the face of it or are impermissible in the eye of the law. In the instant case, the order passed by the Scrutiny Committee reflects due appreciation of evidence and application of mind and in the absence of any allegation of bias/malice or lack of jurisdiction, disturbing the findings of the Scrutiny Committee cannot be sustained.”

[24] Considering all these aspects, according to us, learned Writ Court has rightly dismissed both the writ petitions with a reasoned order and no interference, therefore, is called for. Consequently, both the writ appeals are dismissed.

No order as to costs.

Pending application(s), if any, shall stand disposed of.

(S.DATTA PURKAYASTHA), J **(M.S. RAMACHANDRA RAO), CJ**

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