

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20201 of 2010

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Abhilashita Uraon W/O Md. Khairul Basar R/O Mohalla- Manihari
Paschimi Tola, Ward No. 14, Anchal- Manihari, P.S.- Manihari, Distt.-
Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Katihar, Distt.- Katihar
3. The Block Development Officer, Manihari, Distt.- Katihar
4. The Sub-Divisional Officer, Manihari, Distt.- Katihar
5. The Welfare Officer, Manihari, Distt.- Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Obaidullah, Advocate

For the Respondent/s : Mr. Satyendra Rai, AC to SC 30

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-02-2015

Heard the parties.

2. The petitioner is aggrieved by the order/communication dated 23.09.2010 (Annexure-2) issued under the signature of the respondent Block Development Officer, Manihari in the district of Katihar, whereby the caste certificate issued to the petitioner earlier has been cancelled for the reasons recorded in that order.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner, who is a lady, is a member of Scheduled Tribes and she applied for issuance of caste certificate. According to the petitioner, the matter was examined and finally the Block Development Officer, Manihari issued caste certificate in favour of the petitioner, which has been brought on the record as Annexure-1 to the writ petition. It is the case of the petitioner that at the time of last Assembly Election when the petitioner wanted to stand as a candidate, her caste certificate was cancelled



by the respondent Block Development Officer, Manihari by the impugned order/communication dated 23.09.2010 (Annexure-2) at the behest of certain persons, who were politically inimical to the petitioner. According to the petitioner, the impugned order/communication cancelling her previous caste certificate has been passed in violation of the principle of natural justice. Therefore, on this ground alone, the impugned order/communication is liable to be quashed and set aside.

4. Though this writ petition was filed as far back as on 13.12.2010, yet counter affidavit has not been filed on behalf of the respondents till date, which is in flagrant violation of mandate of Bihar State Litigation Policy, 2011. In fact, on account of non-filing of the counter affidavit by the respondents, the disposal of the present writ petition was delayed.

5. In view of the reasons recorded in the impugned order/communication as contained in Annexure-2, this Court is of the opinion that no useful purpose shall be served by keeping the present matter pending any longer awaiting counter affidavit on behalf of the respondents. This Court is further of the opinion that interest of justice shall be subserved if the petitioner is directed to appear before the respondent District Magistrate, Katihar (respondent no.2) with all supporting documents, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

6. If the petitioner appears before the respondent District Magistrate, Katihar within a period of one month from today with a certified copy of the present order, then the respondent no.2 shall be obliged to consider the case of the petitioner afresh for issuance of caste certificate in her favour at an

early date preferably within a period of three months from the date of appearance of the petitioner before the District Magistrate, Katihar.

7. If on consideration of materials, the respondent District Magistrate comes to the conclusion that the petitioner belongs/is a member of Scheduled Tribes and is entitled to have a caste certificate as claimed by her, then a fresh caste certificate will be issued in her favour either by the respondent District Magistrate himself or any other competent authority. However, if the respondent District Magistrate comes to a conclusion that the petitioner is not entitled to have caste certificate on the basis of the guidelines issued by the State Government as also the Central Government, then he shall record the reasons for such conclusion.

8. Till the matter is finally decided by the respondent District Magistrate, Katihar, operation of the impugned order/communication dated 23.09.2010 shall be kept in abeyance

9. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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