

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15131 of 2015

=====

Smriti Kumar Jha son of Late Rajendra Jha Resident of village and P.O. Bakharpur, P.S. Pirpaiti, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Welfare Department, Government of Bihar, Patna.
4. The District Magistrate, Bhagalpur, District - Bhagalpur.
5. The District Welfare Officer, Bhagalpur, District - Bhagalpur.
6. The Sub-Divisional Officer, Kahalgaon, District - Bhagalpur.
7. The Circle Officer, Pirpaiti, District - Bhagalpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar -Manglam

For the Respondent/s : Mr. Sc27- Kinkar Kumar

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 11-12-2015 Heard Mr. S.B.K. Manglam appearing for the
petitioner and the counsel for the State.

A supplementary counter affidavit has been filed.

The petitioner claims status of Scheduled Caste being a member of Chamar community/caste. Earlier, he had approached this Court vide CWJC No. 13624 of 2015. The said writ application was disposed of directing the Sub-Divisional Officer, Kahalgaon to consider the caste status of the petitioner and take a final decision. In consequence

whereof, impugned order (Annexure-9) has been passed by the Sub-Divisional Officer, Kahalgaon rejecting the prayer/request of the petitioner to grant the status of Scheduled Caste.

There is no controversy at Bar that in the light of the order passed in the case of Kumari Madhuri Patil vs. Addl. Commissioner [(1994) 6 SCC 241], a resolution of the government in the department of erstwhile Personnel and Administrative Reforms (Annexure-A to the supplementary counter affidavit) has been issued constituting a scrutiny committee at the State level which shall now go into such claim/dispute.

Having regard to the above and without expressing any view on the merit of the claim, the writ application is disposed of by permitting the petitioner to approach the Scrutiny Committee constituted at the State level by the respondent-State Government for visualization of his grievance. If any such application/representation is filed, the matter shall be placed before and considered by the Scrutiny Committee in accordance with law as quickly as possible.

Before parting with this records, this Court would

note that in doing so the Scrutiny Committee shall not, in any manner, be prejudiced/influenced by the order which the Sub-Divisional Officer, Kahalgaon passed and contained in Annexure-9 and the decision of the Scrutiny Committee shall hold the field.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--