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.... Petitioner/s

1. The State of Bihar through the Principal Secretary, Department of Welfare, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Welfare, Govt. of Bihar, Patna.
3. The District Magistrate, Viashali at Hajipur
4. The District Welfare Officer, Vaishali at Hajipur
5. The Sub Divisional officer, Vaishali at Hajipur
6. The Circle Officer, Bidupur Circle, District Vaishali at Hajipur.

.... Respondent/s

For the Petitioner/s : Mr. Shashi Bhushan Kumar -Manglam
For the Respondent/s : Mr. Gp 28- Smt Geeta Kumari

2 08-04-2016 Heard Mr. Manglam, counsel for the petitioner,
and AC to GP-28, for the State.

A supplementary affidavit is filed today. On the request of Mr. Manglam, the application is being disposed of at this stage.

Petitioner is desirous of contesting the ongoing Panchayat elections. He claims himself belonging to the 'Kurmi' caste which has now been classified as E.B.C. vide Government resolution dated 01.07.2015 (Annexure-5). The petitioner claims caste status of 'Dangi'. In this connection, he has also referred to the another resolution of the Government dated 06.04.2011



(Annexure-4). It is stated that on 08.03.2016, he made an application before the Circle Officer for grant of Caste Certificate of 'Dangi' enabling him to contest the election from the constituency reserved for E.B.C. category. The respondent did not issue the Caste Certificate. When information was sought under the Right to Service Act he was communicated vide Annexure-7 on 14.03.2016 that the same has been rejected.

Contention of Mr. Manglam is that considering those resolutions and the revenue records including the record of the Consolidation, the petitioner is entitled to get Caste Certificate of 'Dangi'. The respondents have not communicated any reason for non- grant thereof. In the interest of justice the matter may be remanded back to the said respondent for consideration afresh the claim of the petitioner and grant the Caste Certificate and/or issue appropriate reasoned order.

The State respondents, on the other hand, has contended that under the relevant Rules framed under the Bihar Panchayat Raj Act any such application for grant of Caste Certificate/Status can be filed before the Block Development Officer/Sub Divisional Officer/District Magistrate. Petitioner himself has stated that an application has been filed now before the respondent Sub Divisional Magistrate.

On a consideration of the rival submissions and after hearing the parties, the writ application deserves to be disposed of permitting the petitioner to approach the Sub Divisional Magistrate for grant of Caste Certificate annexing therewith the relevant resolution/copies of the revenue records etc. enabling the said respondent to consider the said claim of the petitioner and to either issue the Caste Certificate as requested and/or pass a reasoned order on the said application as quickly as possible considering the fact that the petitioner wants to contest the election and file his nomination papers.

(Kishore Kumar Mandal, J)

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