

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10700 of 2015

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1. Rakesh Kumar Basak, S/o Jaikishan Basak, resident of Beni, Ward no.9, Chaupal Tola, P.O & P.S.- Bahadurganj, District- Kishanganj, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Kishanganj, Bihar.
2. The District Magistrate, Kishanganj, Bihar.
3. The Sub- Divisional Officer, Kishanganj, District- Kishanganj.
4. The Block Development Officer, Bahadurganj, P.S.- Bahadurganj, District- Kishanganj.
5. The Circle Officer, Bahadurganj, P.S.- Bahadurganj, District- Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Krishna Tripathy

For the Respondent/s : Mr. Raghwendra Kumar, S.C.-22

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 08-08-2016 Heard Mr. Tripathi for the petitioner and Mr. Raghwendra Kumar, S.C.-22 for the State.

The petitioner is aggrieved by cancellation of the caste certificate certifying his caste status of Chaupal (SC). It is stated that not only the petitioner but his other family members were granted the caste status of Chaupal (SC). The history of the caste has been sketched by the petitioner in diverse paragraphs of the writ petition. The respondents have cancelled the certificate not only of the petitioner but also of his other family members.

I.A. No. 5966 of 2015 encloses Annexure-36 which is an order passed to this effect by the Sub-Divisional Officer, Bahadurganj. It has been submitted that the State Government has



recently resolved on 01.07.2015, on the recommendation of the Backward Classes Commission, to delist Taanti/Tantwa from the category of EBC. According to the respondents, the petitioner belongs to Taanti/Tantwa. Even then, according to the petitioner, he is entitled to the caste certificate of Scheduled Caste in view of the resolution of the State Government. In this connection, the order dated 22.07.2015 passed by this Court in batch of writ petition(s) being C.W.J.C. No. 14740 of 2014 and analogous petition(s) has been cited. This Court in the said case passed the following order:

“All the controversies with regard to the status of the petitioners in relation to their caste including cancellation of caste certificates or upholding of such decision by the appellate authority must rest in view of Resolution No. 9532 dated 1st July, 2015, issued by the General Administration Department, Government of Bihar, a copy of which has been annexed as Annexure-35 to the second supplementary affidavit of the petitioner Alok Kumar Basak.

What is of significance is that this notification also indicates that all such persons, who have derived benefit in the past, will continue to do so and the privilege derived therefrom will not be curtailed or taken away.

Keeping in mind the notification noted above, all these writ applications are now required to be allowed.

Respondent authorities will be bound by the notification dated 01.7.2015 with regard to the caste of the petitioners.

It is made clear that all decisions cancelling caste certificate by the impugned orders are set aside since the reasons for cancellation are non est in view

of the notification dated 01.7.2015.

All these writ applications stand allowed.”

He also relied on the order passed in C.W.J.C. No.

10973 of 2015 disposed of by this Court on 22.2.2016 wherein the

Court has observed as under:-

“The case of the petitioner for issuance of his caste certificate shall now be considered by the respondents afresh, if a fresh application is made, taking into account, the resolution of the State Government and the Order passed by this Court in CWJC No. 14740 of 2014 and analogous writ cases.

The writ application stands disposed of. All the pending interlocutory applications are also disposed of.”

It has been urged on behalf of the petitioner that the present writ application be also disposed of in the light of the aforesaid two orders of the Court.

Counsel for the State, on going through the pleadings made in the writ application and the order(s) passed by this Court, has not objected to disposal of the writ application in the light of the aforesaid orders passed by the Court.

Accordingly, the writ application is allowed. The order dated 26.06.2015 passed by the Sub-Divisional Officer, Kishanganj cancelling the caste certificate of the petitioner is set aside. If any consequential order is passed in the light of the said order, the same shall also not be given effect to. The case of the

petitioner for issuance of caste certificate shall be considered afresh by the respondents in the light of the orders passed by this Court, if a fresh application is filed.

Pankaj/-

(Kishore Kumar Mandal, J)

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