

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21401 of 2013

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1. Md. Jamiruddin Son Of Md. Musa Resident Of Mohalla - Supaul Ward No. 19 (Banjara Tola) Police Station + Post Office - Supaul, District - Supaul
2. Md. Sultan Ahmad Son Of Md. Nizamuddin Resident Of Mohalla - Supaul Ward No. 19 (Banjara Tola) Police Station + Post Office - Supaul, District – Supaul.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Department Of Home (Minority Affairs), Government Of Bihar, Patna
2. The Director, Ministry of Tribal Affairs, Govt. of India.
3. The Principal Secretary, Department of Home (Minority Affairs) Government of Bihar, Patna.
4. The District Magistrate, Supaul.
5. The Sub-Divisional Officer, Supaul, Sub-Division, District Supaul.
6. The Circle Officer, Circle Officer, Supaul, District Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the Respondent/s : Mr. Khurshid Alam, AAG-12
Mr. S.D.Sanjay, A.S.G.
Mrs. Kanak Verma

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 14-09-2016

Heard the Counsel for the petitioners, Mr. Alam,
A.A.G.-12 for the State and the Counsel for the Union of India.

A counter affidavit on behalf of respondent no. 2 is
filed.

The writ application prays for a direction upon the
respondents to issue caste certificate of Scheduled Tribes to the
petitioners as they belonged to Banjara community. It is submitted
that the said certificate has not, till date, been issued as the State
Government sought some clarification with regard to profession of

religion of the person/citizen belonging to Banjara community.

Mr. Alam has also submitted that clarifications were sought from the Central Government and now in the counter affidavit of the respondent no. 2, the necessary clarification has been made. It is stated in paragraph 7 thereof as under:-

“7.That the Banjara Community has been notified as Scheduled Tribes at Sl. No. 3 in Scheduled Tribes List of Bihar vide the Scheduled Caste and Scheduled Tribes Orders (Amendment) Act, 1976. The people of communities notified as Scheduled Tribes, may profess any religion.”

He has also drawn attention of the Court to the reiteration of the said averment in the said counter affidavit in paragraph 11.

Mrs. Verma, Counsel for the Union of India has submitted that the respondent Union of India has issued clarification in the said affidavit.

On going through the pleadings on record and after hearing the parties, it appears that the Banjara community has been notified as Scheduled Tribe in Scheduled Tribes list of Bihar vide Scheduled Caste and Scheduled Tribe Orders (Amendment) Act, 1976. The people of this community may profess any religion, yet he/she will have the status of Scheduled Tribe. Petitioners claim that they belong to the Scheduled Tribe Community.

Considering the aforesaid fact, this Court directs the

concerned respondent to issue caste certificate in the light of the stand taken in the counter affidavit of the respondent Union of India on a fresh application made by the petitioners as quickly as possible preferably within three weeks of such filing.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

Pankaj/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	16.09.2016
Transmission Date	