

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4057 of 2014

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Sushil Kumar Son of Mahabir Chaupal Resident of Village and P.O.
Southern Kasaraur, P.S. Ghanshyampur, Distt. - Darbhanga

..... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. Of Bihar, Patna
2. The District Magistrate, Darbhanga
3. The Sub Divisional Officer, Biraul, District - Darbhanga
4. The Circle Officer, Gaura Bauram, Distt. Darbhanga

..... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Shankar Kumar Thakur

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 27-09-2016

Heard Mr. Shankar Kumar Thakur for the respondent.

No one appears on behalf of the petitioner.

The petitioner prays for a direction upon the respondents-State to issue a caste certificate of the status of Scheduled Caste.

It is stated that the petitioner is a member of 'Chaupal' caste which falls in the category of Scheduled Caste. Even the revenue records also indicate that he belongs to Scheduled Caste. The father of the petitioner was issued caste certificate of 'Chaupal' (SC). In the case of the petitioner an application was made for issue of the caste certificate, but the Circle Officer did not pass any order or issued the caste certificate. In this factual background, the petitioner has filed the present application.

A counter affidavit is filed on behalf of the respondent nos. 2 to 4.

It is stated that persons having 'Chaupal' surname were considered as Khatwe in the district of Darbhanga which belonged to the category of Extreme Backward Classes (EBC) and listed as such at serial no. 19 in the list of EBCs. However, the State Government in the Dept. of General Administrative considered the matter afresh in the light of the recommendation of the SC/ST Commission and resolved vide Annexure-A that anyone belonging to the 'Chaupal' caste or Khatwe have been entitled to the status of Scheduled Caste.

Having regard to the above, the respondents in paragraph 9 of the counter affidavit have stated as under:

"That now as per resolution of Government of Bihar contained in Annexure-A of counter affidavit if the petitioner make an application afresh for issuance of caste certificate as Chaupal (Schedule Caste) the respondent authorities will consider his application in the light of the aforesaid resolution".

The writ application disposed of permitting the petitioner to approach the respondents for issuance of caste certificate in accordance with law.

(Kishore Kumar Mandal, J)

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