

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3885 of 2013

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Ranju Kumari Wife Of Pramod Kumar Chaupal Resident Of Village And Post
Kushmaul, P.S. Bhargama, District Arariya Petitioner

Versus

1. The State Of Bihar, Through The Principal Secretary, Department Of Education,
Government Of Bihar, Patna
 2. The District Education Officer, Araria
 3. The District Teachers Appellate Authority, Araria
 4. The Mukhiya, Gram Panchayat Kushmaul Block Bhagama, District Araria
 5. The Secretary, Gram Panchayat Kushmaul Block Bhargama, District Araria
.... .. Respondents
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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Sakib Ayaz, AC to GA 9.

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

Date: 12-04-2016

The petitioner seeks quashing of order dated 15.12.2012,
passed by the District Teachers Appointment Appellate Authority
(herein after referred to as 'the Appellate authority'), Araria by
which it has held that the caste of the petitioner namely 'Chaupal'
does not belong to the Scheduled Caste.

Pursuant to advertisement, the petitioner applied for the
post of Primary teacher under Scheduled Caste category on the
basis of caste certificate, dated 20.03.2006 issued by the Circle
Officer, Bhargama, district Araria, showing her to be belonging to
Chaupal caste falling within the Scheduled caste. The petitioner
was called for counseling on 23.2.2007 along with all the original
certificates by the Secretary, Gram Panchayat Kushmaul Block,



Bhargama, district Araria. After being satisfied that she belonged to the Scheduled Caste category, she was issued appointment letter and was allowed to join the post of Panchayat Teacher on 25.2.2007 which was accepted by the Block Education Officer. However, on a general complaint, the Block Development Officer cum Appellate authority cancelled the appointment vide order dated 4.5.2008. Petitioner challenged the said order in C.W.J.C.No. 10238 of 2008 which was disposed of on 12.9.2011 with a direction to the newly constituted Appellate authority to decide the same after hearing all the parties. On remand, the appellate authority cancelled the appointment of the petitioner taking a view that Chaupal caste does not come within the Scheduled caste category. Being aggrieved, the petitioner has filed the instant writ petition.

The matter came up for hearing on 1.3.2016 on which date this Court after hearing the parties passed following order:-

“The petitioner submits that the Appellate Tribunal erred in law in holding that Chaupal caste does not come within the category of Scheduled Castes. In support of his submission, the petitioner has referred to Government notification contained in Annexure-6 to substantiate his point that Chaupal caste falls within the Scheduled Castes category.

I find that the Chaupal caste is listed at serial no.7 of Annexure-6.

The facts of the case in short is that the petitioner secured appointment as a Scheduled Castes category, belonging to Chaupal caste. A complaint was filed that

petitioner does not belong to Chaupal caste, but belongs to Tanti caste, which admittedly falls within Extremely Backward Class Category. The Tribunal found that the petitioner belongs to Chaupal caste, however, he erred in coming to the conclusion that Chaupal caste does not come within the Scheduled Castes category.

The petitioner submits that even assuming that he belongs to Tanti castes, still he would be stand protected under the Resolution no. 9532 dated 01.07.2015, which has brought the Tanti caste within the category of Scheduled Castes. The petitioner submits that in view of aforesaid resolution if any benefit has been secured in the past, he would continue to derive so and the same would not be curtailed or taken away. The petitioner in support of his submission has annexed Resolution no. 9532 dated 01.07.2015, as contained in annexure-10 to the supplementary affidavit and order dated 22.07.2015, passed in C.W.J.C. No. 14740 of 2014 and other analogous cases.

As prayed for by learned counsel for the state, put up this case after three weeks under the heading "For Orders" with a view to its final disposal."

Nothing has come on the materials on record to suggest that the Chaupal caste does not come within the SC category. In this view of the matter, the impugned order of the Appellate Tribunal so far as it relates to the petitioner is set aside and the petitioner is directed to be reinstated in service with all the consequential benefits.

The writ petition is thus allowed.

(Samarendra Pratap Singh, J)

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