

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17784 of 2014

Kamal Deo Chaupal son of Late Prem Das Chaupal resident of Rampur Alauli, Post Alauli, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of General Administration, Government of Bihar, Patna.
2. Principal Secretary, General Administration, Government of Bihar, Patna.
3. The Joint Secretary, General Administration, Government of Bihar, Patna.
4. The State Election Commission, Bihar, Patna.
5. The District Magistrate, Khagaria.
6. The Block Development Officer, Alauli, Khagaria.

.... Respondent/s

With

Civil Writ Jurisdiction Case No. 6776 of 2013

Kamal Deo Chaupal Son of Late Prem Das Chaupal Resident of Rampur Alauli, Post + P.S. Alauli, District Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar, Through Secretary, Department Of General Administration, Government of Bihar, Patna
2. Principal Secretary, General Administration, Government of Bihar, Patna
3. The Joint Secretary, General Administration, Government of Bihar, Patna
4. The Inspector General of Police (Weaker Section), Crime Investigation Department, Bihar, Patna
5. The Superintendent of Police, Khagaria
6. The District Magistrate, Khagaria

.... Respondent/s

Appearance :

(In CWJC No. 17784 of 2014)

For the Petitioner/s : Mr. Sanjay Kumar
For the State Mr. MANIKANT MISHRA, G.P.25

(In CWJC No. 6776 of 2013)

For the Petitioner/s : Mr. Sanjay Kumar
For respondent no.4 Mr. Amit Srivastava
Mr. Ritesh Kumar

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 11-04-2016

Heard Mr. Sanjay Kumar for the petitioner and Mr. Manikant Mishra, GP-25 for the State.

Parties have exchanged their pleadings.

The applications raise a grievance with respect to the decision of the scrutiny Committee at the State level recognizing the caste status of the petitioner as 'Tanti/Tatva'. By amendment application vide I.A. No. 207 of 2016 the said decision (Annexure-15) of the Principal Secretary was challenged and on hearing the parties was allowed.

Earlier the certificate of 'Chaupal' caste was issued to the petitioner by the District Magistrate which was cancelled. Aggrieved thereby, the writ petition was filed by him challenging the said order. The writ petition was disposed of with a direction to the Scrutiny Committee at the State level to examine the grievance of the petitioner and take appropriate decision in accordance with law. It is stated that in the light of the said order, the Scrutiny Committee vide impugned decision dated 06.05.2015 (Annexure-15) decided the caste status of the petitioner as 'Tanti/Tatva' which falls in the category of Extremely Backward Class(EBC).

Mr. Kumar has relied on two orders of this Court passed in CWJC No. 10973 of 2015 (Annexure-16) as well as the order dated 22.07.2015 passed in CWJC No.14740 of 2014 and its analogous writ cases (Annexure-13) as also the resolution of the government taken in the department of General Administration on 01.07.2015 (Annexure-12 to the writ petition) in order to submit that the impugned order suffers from non consideration of those orders/resolution. As on today, no caste status of 'Tanti/Tatva' as EBC can be granted as the respondent State itself has withdrawn 'Tanti/Tatva' from the

category of EBC. This is following the recommendation of the Commission for Extremely Backward Classes. It is stated that this Court considering the above in one case has remitted the matter to the Scrutiny Committee at the State level for re-examination of the matter afresh.

Having heard Mr. Sanjay Kumar for the petitioner and Mr. Mishra for the State, and considering the aforesaid facts highlighted by the petitioner which has not been disputed by the respondents, the application is allowed. The matter is remitted back to the Scrutiny Committee at the State level under the chairmanship of the Principal Secretary, General Administration Department, Govt. of Bihar, Patna to re-examine the caste status of the petitioner in the light of the order/resolution noted hereinabove and take appropriate decision afresh in accordance with law. In doing so the respondent shall not, in any way, be precluded by the order contained in Annexure-15.

CWJC No. 6776 of 2013

In view of the order passed hereinabove, it is agreed at Bar that this writ application has lost its relevance/significance. It is accordingly deposed of as such.

(Kishore Kumar Mandal, J)

HR/-

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