

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18049 of 2013

=====

1. Jitendra Kumar Chaupal Son Of Sri Govind Kumar Basak Resident Of Village - Dhansonna, P.S. Kochadhaaman, District - Kishanganj A Minor Through His Father And Natural Guardian Govind Kumar Basak

.... 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 Circle Officer, Kochadhaaman, Ps.. - Kochadhaaman, District - Kishanganj
5. The Principal, Jawahar Navodaya Vidyalaya, Kishanganj, Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. VINAY KRISHNA TRIPATHY

For the Respondent/s : Mr. JAISHANKAR BARNWAL

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 20-06-2016

Heard Mr. Vinay Krishna Tripathy for the petitioner, Mr. Sidhartha Prasad for the Navodaya Vidyalaya and A.C. to G.A.-5 for the State.

Whether the petitioner belongs to the caste 'Tanti' (EBC) or 'Chaupal'(SC) is the issue raised in the application. From various enclosures, it appears, the father and other family members of the petitioner was issued the caste certificate of 'Chaupal' (SC). When the petitioner applied for issuance of caste certificate to take admission in the Nayodaya Vidyalaya, the respondents refused to grant the same. In fact, the stand of the respondents is that the petitioner belongs to the caste 'Tanti' (EBC).

Mr. Tripathy has relied on two orders of this Court in order to submit that the point at issue is well clarified by those two orders. The respondents are required to consider afresh the case of the petitioner and issue appropriate caste certificate. The first case disposed of various writ petitions vide order dated 22.07.2015 passed in C.W.J.C. No. 14740 of 2014 and batch of other writ petitions. Almost identical issue was raised in C.W.J.C. No. 10973 of 2015 which was allowed by judgment dated 22.02.2016. There is agreement at Bar that the principle having been decided by those two orders, the present writ petition may also be disposed of in the light of those two orders.

Considering the agreement at Bar, the present writ application stands disposed of in the light of the two orders dated 22.07.2015 and 22.02.2016. The communication dated 12.08.2013 (Annexure-9) issued by the Circle Officer is quashed. In case of any doubt or clarification, the parties will refer to the two orders passed by this Court referred hereinabove.

Pankaj/-

(Kishore Kumar Mandal, J)

U			
---	--	--	--