

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.703 of 2017
IN
Civil Writ Jurisdiction Case No. 12879 of 2016**

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Shri Devi wife of Sri Sunil Prasad, resident of village and PO Telhara, PS Telhara,
District Nalanda at Biharsharif, presently Mukhiya of Gram Panchayat Raj,
Keshopur, Block Ekangarsarai, District Nalanda at Biharsharif

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, General Administration

.... Respondent/s

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Appearance :

For the Appellant : Mr. S.B.K. Manglam, Advocate

For the State : Mr. P.K. Verma, AAG-3

Dr. Mankeshar Tiwari, AC to AAG-3

For State Election Commission: Mr. Amit Shrivastava, Advocate

Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 08-05-2017

Having heard learned counsel for the parties, we find that
in the matter of cancellation of caste certificate of the petitioner
interference by the Writ Court was not called for and the learned Writ
Court has rightly refused to interfere into the matter as it was based on
a finding of fact recorded in an enquiry conducted.

That apart now with regard to the social status of the



petitioner, in case the petitioner has any grievance, the petitioner should raise the issue before the Caste Scrutiny Committee constituted by the State Government in accordance to the law laid down by the Supreme Court in the case of **Kumari Madhuri Patil vs. The Additional Commissioner Tribal Development and others (1994) 6 SCC 241** and in case the petitioner raises a complaint or files a representation before the Scrutiny Committee, the Scrutiny Committee shall proceed to decide the claim of the petitioner and determine the social status of the petitioner in accordance to law after hearing all concerned within a period of one month.

That apart the prayer made by the petitioner for restraining the State Election Commission from proceeding in the matter, the same cannot be considered at this stage as the State Election Commission has already ceased of the matter and has not passed any final order in a proceeding pending before it under Section 136(2) of the Gram Panchayat Raj Act. The petitioner's cause of action for the same will accrue after final order was passed by the State Election Commission. At this stage, this question need not be looked into.

In case a favourable decision is taken by the Caste Scrutiny Committee, the petitioner shall have the liberty to approach the State Election Commission for reconsideration.



With the aforesaid observations and liberty to the petitioner, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	13.05.2017
Transmission Date	

