

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 6938 of 2016

Along with

Interlocutory Application No. 7850 of 2016

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Ajit Kumar, Son of Sri Ramji Prasad, Resident of Village+P.O.- Bindaul,
Panchayat Horma, Police Station- Khijarsarai, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate cum District Election Officer (Panchayat), District- Gaya.
3. The Block Development Officer, Gaya cum Returning Officer (Panchayat) Block- Khijarsarai, P.S.- Khijarsarai, District- Gaya.
4. The Circle Officer, Block- Khijarsarai, P.S.- Khijarsarai, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Prasad Singh and
Mr. Pushpundra Priyedarshi, Advpcates

For the State : Mr. M. K. Upadhyay, A.C. to G.P. 3

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 07-02-2017

Heard learned counsel for the petitioner and the State.

The petitioner has moved the Court for quashing of the order dated 10.03.2016 passed in Misc. Case No. 01/2015-16 by which caste certificate granted to the petitioner showing him belonging to the *Dangi* caste, by the Circle Officer, Khijarsarai in the District of Gaya dated 01.03.2016 has been cancelled.

The petitioner's forefathers were shown to belong to *Koeri* caste in the revenue records but in terms of the Government decision to include *Dangi* as a separate caste in the Backward Caste Category in the year 1995, the petitioner, who belonged to such caste



had applied for a caste certificate which was also issued to him under Certificate No. 02191 dated 01.03.2016 by the Circle Officer, Khijarsarai (Gaya). It appears that on a complaint received, the Circle Officer issued notice to the petitioner on 09.03.2016 and on the very next day i.e., 10.03.2016, by the impugned order, the caste certificate issued dated 01.03.2016 has been cancelled.

Learned counsel submitted that as per the Government decision contained in Memo No. 1000 dated 06.04.2011, the position was clarified and it was directed that in future if somebody applies for issuance of caste certificate relating to *Dangi* caste, the same would be issued after conducting an enquiry and also taking into consideration the revenue records. Learned counsel submitted that the said decision clarified the position that prior to 1995, there may not be any indication of the person belonging to *Dangi* caste as the same was included in the *Koeri (Kushwaha)* caste. Learned counsel submitted that thereafter in view of the Government decision contained in Memo No. 1407 dated 28.01.2016, certain guidelines were issued in which the registration documents were also included for the purposes of such enquiry. Learned counsel has drawn the attention of the Court to Annexure-10 series, which is a registered deed, executed by the grandfather of the petitioner in the year 1954 in which his caste has been shown to be *Dangi*. Learned counsel



submitted that once the said document is genuine, and there being no other document to disapprove that he belonged to the *Dangi* caste, the cancellation of the certificate only on the basis of previous revenue records prior to 1995, is totally erroneous.

Learned counsel for the State has filed counter affidavit and submitted that the said decision to cancel was taken on the basis of the local enquiry and the revenue records which shows the caste of the forefathers of the petitioner as *Koeri*. However, he fairly admitted that there is no consideration of the registered deeds of the year 1954 executed by the grandfather of the petitioner which were required to be considered in terms of the Government decision, especially the one dated 28.01.2016.

Having considered the submissions of learned counsel for the parties, in the opinion of the Court, the impugned order cancelling the certificate of the petitioner besides being cryptic, has not discussed the points raised by the petitioner, the documents produced by him and the relevant Government decisions and thus, cannot be sustained. Accordingly, the same is set aside. The respondents are obliged to consider the materials produced by the petitioner in light of the Government decisions as contained in the aforesaid letters dated 06.04.2011 and 28.01.2016. The petitioner shall appear before the Circle Officer, Khijarsarai (respondent no. 4)



within three weeks from today, along with a copy of this order. The respondent no. 4 shall hear the matter and pass a reasoned order in terms of the discussions made hereinabove, within two weeks thereafter.

The writ petition stands allowed in the aforementioned terms.

Interlocutory Application No. 7850 of 2016 stands disposed off, as not pressed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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