

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.794 of 2016

Arising out of

C.W.J.C. No. 10973 of 2015

- =====
1. The State of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar, Patna
 2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna
 3. The Additional Secretary, Department of General Administration, Government of Bihar, Patna
 4. The District Magistrate, Kishanganj, Bihar
 5. The Sub - Divisional Officer, Kishanganj, District - Kishanganj
 6. The Block Development Officer, Bahadurganj, P.S. Bahadurganj, District - Kishanganj
 7. The Circle Officer, Bahadurganj, P.S. Bahadurganj, District - Kishanganj
 8. The Inspector General of Police, Weaker Section, CID, Government of Bihar, Patna

.... Appellant/s

Versus

Pankaj Kumar Basak, son of Sri Damodar Prasad Basak, Resident of Village- Beni Bahadurganj, P.O. and P.S. Bahadurganj, District- Kishanganj.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nishant Kumar Jha, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-08-2017

Delay of 23 days in filing of this appeal is condoned. I.A.

No. 4786 of 2016 stands allowed and disposed of.

This appeal has been filed by the State Government challenging the order dated 22.02.2016 passed by the learned Writ Court in C.W.J.C. No. 10973 of 2015.

The writ petition was filed by the respondent employee



challenging the finding of Scrutiny Committee in the General Administration Department, Government of Bihar. The respondent was enjoying the status of Scheduled Caste employee on being issued a Caste Certificate of “Chaupal”, which is a Scheduled Caste notified by the Central Government under the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976. The respondent was issued with the certificate by the Block Development Officer and subsequently by the Sub-Divisional Officer in the year 1996-97 and it is an admitted position that based on the certificate issued he was granted appointment after verification of the same. Even the issuance of the Caste Certificate was after intervention of this Court. However, holding that the respondent belongs to Taanti Caste and, therefore, the certificate produced by him showing him to be a “Chaupal” and based on which he was granted appointment is unsustainable, the impugned action has been taken. However, the learned Writ Court not only in this case but also in various other cases, identical in nature, after considering various aspects of the matter has recorded a conclusion that “Chaupal” is a caste under which different sub-castes like Pan, Swasi, Tanti and Tantwa etc. exist and the expert body, statutory in nature, constituted by the State Government, has found so and that is why a recommendation was made for exclusion of Tanti and Tantwa from the list of E.B.C. and include them in the list of



Scheduled Caste.

Once the finding recorded is that “Chaupal” is the caste under which various sub-castes like Pan, Swasi, Tanti and Tantwa exist and when these casts have been included in the category of sub-castes and when the Government notification itself shows that Chaupal is a Scheduled Caste, we see no reason to make any indulgence into the matter moreso, when identical questions involved have already been decided by various Benches of this Court in C.W.J.C. No. 10650 of 2015, C.W.J.C. No. 15612 of 2014, upheld in L.P.A. No. 309 of 2016 and various other cases as are detailed in the order passed by a coordinate Bench of this Court on 24.04.2017 in L.P.A. No. 309 of 2016.

In view of the above, we find no reason to make any indulgence into the matter. The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	25.08.2017
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