

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18987 of 2016

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Khusboo Ara daughter of Md. Qamaruzzama Aadil Resident of Village-Madhaili,
Presently Mukhiya of Gram Panchayat Raj, Bhisaria, Block-Bhargama, District-
Araria

.... Petitioner/s

Versus

1. The State Election Commissioner (Panchayat), Sone Bhawan, Bir Chand Patel, Bihar, Patna through the State Election Commissioner
2. The State Election Commissioner the State Election Commission (Panchayat), Sone Bhawan, Bir Chand Patel, Bihar, Patna
3. The Deputy Secretary, the State Election Commission, (Panchayat), Sone Bhawan, Bir Chand patel, Bihar, patna
4. The District Magistrate-cum-District Election Officer (Panchayat), Araria, District-Araria
5. The Circle Officer, Shankarpur, District-Madhepura
6. Ruksana Praveen daughter of Shahjahan Resident of Village-Majrahi, P.O. Bir Nagar, P.S. Bhargama, District-Araria

.... Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. S.B.K. Manglam, Advocate Ms. Anita Kumari, Advocate
For the State	:	Mr. Kumar Alok, SC-7
For the Respondent No. 6	:	Mr. Navjot Yeshu, Advocate
For the State E.C.	:	Mr. Amit Shrivastava, Advocate Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-08-2017

Heard learned counsel for the petitioner; State; State
Election Commission and the respondent no. 6.

2. Basically, the petitioner is aggrieved by the order of the
District Magistrate, Araria, by which he has cancelled the caste
certificate given to the petitioner showing her caste as *Sheikhra*.

3. After hearing the parties, in the considered opinion of



the Court, since the District Magistrate is the competent authority to issue a caste certificate, *inter alia*, he is also entitled in law to cancel the same. However, such decision is always amenable to review before the competent court/authority/forum. Moreover, for coming to any conclusive finding as to what is the caste of a particular person, evidence has to be adduced, both oral as well as documentary, in support thereof. The Court does not find that writ court would be the appropriate forum to adjudicate such issue where appreciation of facts and giving findings thereon is required.

4. In view thereof, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, for getting a declaration with regard to her caste. If the petitioner invokes the said forum, the same shall be considered on its own merits, in accordance with law, without being prejudiced by any past finding recorded in any proceeding and a reasoned order shall be passed after taking into consideration all issues, which may be raised in the proceeding, by the forum concerned.

(Ahsanuddin Amanullah, J)

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