

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4508 of 2004

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Kashi Nath Rai1, Son of Late Shiwadhar Rai, Resident of Village-
Panchodehari, P.O.- Doian, P.S.-Dinara (O.P. Manas) Distt.-Rohtas, at present
posted as Senior Assistant Branch Office, K.G. Road, Arrah, Bhojpur in
United India Insurance Co. Ltd.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Sasaram, Rohtas
3. The Block Development Officer, Kochas, Rohtas.
4. The Branch Manager, Branch Office, K.G. Road, Arrah, Bhojpur of United
India Insurance Co. Ltd.
5. The Regional Office, Patna of United Insurance Co. Ltd. Through its
Manager having its office at Chankhya Commercial Complex, (3rd Floor)
R- Block, Patna
6. State Level Caste Scrutiny Committee, Bihar, Patna, though its secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. ADITYA NR.SINGH I
For the Respondent/s : Mr. (GP6)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 23-01-2018

Heard Mr. Aditya Nr. Singh-I, learned counsel for the
petitioner and Mr. Rishi Raj Sinha, learned counsel for respondent
nos. 1 to 3. However, none appears on behalf of respondent nos. 4
and 5.

Learned counsel for the petitioner is permitted to implead the
State Level Caste Scrutiny Committee, through its Secretary as
respondent no.6.



The present writ application has been filed for a direction to respondent nos. 2 and 3, the District Magistrate, Sasaram, Rohtas and the Block Development Officer, Kochas, Rohtas, respectively, to issue the caste certificate of the petitioner forthwith or in alternative Respondent no.4 and 5, the Branch Manager and Regional Office, of United India Insurance Co. Ltd., respectively, be directed to accept the caste certificate of the petitioner dated 21.04.1976, issued by the District Welfare Officer, Sasaram, Rohtas, as contained in Annexure-2. Further prayer has been made for quashing the letter dated 15.01.2002 and 30.01.2002, as contained in Annexure-3 and Annexure-4, issued by respondent nos. 4 and 5, respectively, whereby the petitioner has been directed to get fresh caste certificate issued by competent authority, failing which the petitioner will be treated as a candidate under general category for the promotion purposes.

It is submitted by learned counsel for the petitioner that in pursuance to an advertisement, the petitioner was appointed as Assistant on 06.09.1977, in United India Insurance Company Limited claiming himself to be belonging to 'Nat' caste under the Scheduled Caste category. After completion of 25 years of his service, respondent no.4, issued letter dated 15.01.2002, as contained in Annexure-3, for submitting a fresh caste certificate.



Thereafter, the petitioner submitted a representation on 22.01.2002 before the authorities of the Insurance Company for providing some time for submitting fresh caste certificate. Subsequently, on 29.01.2002, the Regional Office of the United India Insurance Company Limited again issued a letter, as contained in Annexure-4, directing the petitioner to submit a fresh caste certificate by 05.02.2002, failing which, the petitioner will be treated as general category candidate. Similar letter was issued by the authorities on 30.01.2002, as contained in Annexure-4. Consequently, the petitioner submitted an application on 26.02.2002 before respondent no.3, the Block Development Officer, Kochas for re-issuance of caste certificate. Consequently, Karmchari of the said Block made a recommendation to issue caste certificate of the petitioner suggesting that he belongs to 'Nat' caste. Thereafter, the petitioner met the Block Development Officer, Kochas, Rohtas on several occasions and submitted reminders on 12.10.2002 and on 24.05.2003, as contained in Annexure-6 and 7, respectively, but caste certificate of the petitioner was not issued. Hence, the present writ application.

It is further submitted by learned counsel for the petitioner that now the petitioner has retired from service, but he could not



get the promotional benefits due to non-issuance of caste certificate.

A counter affidavit has been filed on behalf of respondent no.4 to the effect that caste certificate submitted by the petitioner, at the time of his initial appointment, was not issued by the competent authority, hence the petitioner was directed to submit a fresh caste certificate for consideration of his promotion to the higher post, but in spite of several reminders, the petitioner failed to submit fresh caste certificate, hence, the authorities could not consider the case of promotion of the petitioner.

A counter affidavit on behalf of respondent nos. 2 and 3, the District Magistrate, Rohtas and the Block Development Officer, Kochas has been filed with specific stand that the report was called for by the respondent no.3, the Block Development Officer, Kochas from the Karamchari. The Karamchari submitted a report, as contained in Annexure-A to the counter affidavit filed on behalf of respondent nos. 2 and 3, mentioning therein that in R.S. Khatiyan, the caste of the petitioner has been shown as 'Gandharv'. The co-villagers of the petitioner, like Ramji Rai and others also made an affidavit to the effect that the petitioner does not belong to 'Nat' caste, rather he belongs to 'Gandharv' caste, but on the basis of forged caste certificate, the petitioner got



appointed. This stand of the respondents further gets confirmed by entry made in Consolidation Chakbandi Khatyan, as well as the sale deed executed in favour of the petitioner on 15.04.1969. Consequently, respondent no.3, the Block Development Officer, Kochas made an enquiry and found that the petitioner does not belong to 'Nat' caste, rather he belongs to 'Gandharv' caste and this because the reason for not issuing fresh caste certificate to the petitioner.

Having heard the learned counsel for the parties, in view of the dispute with regard to caste certificate of the petitioner, this Court is not inclined to quash the letter, as contained in Annexure-3.

However, without expressing any opinion with regard to caste of the petitioner, it is expected from the petitioner to submit an application for issuance of caste certificate before respondent no.2, the District Magistrate, Rohtas within a period of four weeks from the date of receipt/production of a copy of this order, when respondent no.2, the District Magistrate, Rohtas at Sasaram will get an enquiry conducted within a period of six weeks thereafter and will submit a report to respondent no.6, the State Level Caste Scrutiny Committee. It is expected from respondent no.6, the State Level Caste Scrutiny Committee to take final decision on the issue



within a period of three months of receiving of report from the District Magistrate.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

