

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.947 of 2016
Date of Decision:25.07.2018

Dharampal Singh and another

. Petitioners

Vs.

State of Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Naveen Sharma, Advocate,
for the petitioners.

Mr.Sahil Sharma, DAG, Punjab.

RAKESH KUMAR JAIN, J.

The petitioners are the father and son, who have challenged the proceedings dated 19.11.2015 in which it was decided that the petitioners, who belong to Ramdasiya Caste, which is a Scheduled Caste in the State of Punjab, after having been converted to Christianity, have lost the status of Scheduled Caste and have become Backward Class and their Scheduled Caste certificates were cancelled.

In brief, the petitioners, who belong to Ramdasiya Caste, which is a Scheduled Caste in the State of Punjab, were issued Scheduled Caste certificates. A complaint was made against them that since they have converted to Christianity, therefore, they are no more Scheduled Castes. In the said complaint, preliminary investigation was done by the Vigilance Cell, which was approved by the State Level Scrutiny Committee in its proceedings dated 19.11.2015. The petitioners have only mentioned the

facts in the petition but no legal ground has been set up to challenge the impugned proceedings except alleging that the finding recorded in the impugned enquiry is baseless.

On the other hand, the respondents, in their reply, have averred that in view of a decision of the Supreme Court, rendered in the case of ***“Kumari Patil and others Vs. Additional Commissioner, Trial Development and others”*** AIR 1995 Supreme Court 1994, the State Government had issued a notification on 10.12.2004 to constitute the Vigilance Cell, in the Directorate of Welfare of Scheduled Castes and Backward Classes, as nodal agency to check the genuineness of social status certificate in the State on receiving the complaints from the citizens and other departments in the State. The Vigilance Cell comprises of the Director, Welfare of Scheduled Castes and Backward Classes, Punjab as Incharge, Joint Director Welfare of Scheduled Castes and Backward Classes, Punjab and District Welfare Officer of the District concerned as Members.

It is further averred in the reply that the Scheduled Castes certificates of the petitioners were investigated and were found to be false by the Vigilance Cell. The Vigilance Cell sent the report to the State Level Scrutiny Committee, comprises of the Special/Additional/Joint/Secretary to the Government of Punjab, Department of Welfare of Scheduled Castes and Backward Classes as Chairperson, Director/Additional Director, Welfare of Scheduled Castes and Backward Classes, Punjab as a Convenor-Member and an IAS/PCS Officer of the Revenue Department not below the rank of Joint Secretary to Government of Punjab as Member. The functions of the State Level Scrutiny Committee are also mentioned in the notification dated

10.12.2004 to further investigate the report sent by the District Welfare Officer, if he finds the claim for social status to be not genuine or doubtful or spurious or false or wrongly claimed, by issuing show cause notice and giving the parties opportunity to lead their respective evidence.

It is further averred therein that the Vigilance Cell, after making the enquiry, held in its meeting dated 1.3.2012 that the Scheduled Castes certificates obtained by the petitioners deserve to be cancelled on the ground of change of religion and the matter was sent to the State Level Scrutiny Committee, which was received in the office of Welfare Department on 27.4.2012. The State Level Scrutiny Committee held various meetings and found that the name of the petitioner-Dharampal Singh, in the Ration Card is mentioned as Thomas Pal and his son as Phillips Masih. It is admitted by them that they regularly go to Church. It was also admitted by petitioner No.1 that his father was buried and not cremated as per Hindu rites.

In view thereof, the State Level Scrutiny Committee was of the view that the petitioners have actually converted from Hinduism to Christianity and relying upon the instructions dated 10.9.2009, issued by the Welfare Department of the Government of Punjab, the Scheduled Castes certificates issued to both the petitioners were cancelled and it was ordered that they should be treated as Backward Class. In this regard, the respondents have also referred to the Central List of OBCs for the State of Punjab in which Christian (converted from Scheduled Castes) have been included vide Resolution No.12011/68/93-BCC dated 19.9.1993.

I have heard learned counsel for the parties and after perusal of record, am of the considered opinion that there is no merit in this petition

because the impugned proceedings are based upon the evidence, on the basis of which decision has been taken that both the petitioners have converted to Christianity and the Scheduled Castes, in the State of Punjab, converted to Christianity, loses their status of Scheduled Caste and acquire the status of Backward Class. Even otherwise, learned counsel for the petitioners has not raised any meaningful argument in order to challenge the validity of the impugned proceedings.

Thus, finding no merit in the present petition, the same is hereby dismissed.

25.07.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No