

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12453 of 2018**

Narmada Dom @ Narbada Dom Son of Phirangi Dom, Resident of  
Village- Bagahi Sakhuani, P.S.- Gobardhana, Block- Ramnagar,  
District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Personal & Administrative Reforms, Govt. of Bihar, Patna, Bihar.
2. Bihar State Election Commission through Secretary, Bihar, Patna.
3. Chairman, Bihar State Election Commission, Patna.
4. Collector cum Election Officer Panchayat Election, West Champaran, Bettiah.
5. Sub-Division Officer, Bagaha, West Champaran.
6. Block Development Officer cum Returning Officer, Ram Nagar, West Champaran.
7. Block Welfare Officer, Ram Nagar, West Champaran.
8. Pran Krishna Devnath, son of Praphullo Ranjan, Devnath Mukhiya Gram Panchayat Bagahi, P.S. Gobardhanak, District – West Champaran.

... .. Respondents

**Appearance :**

|                    |   |                                                          |
|--------------------|---|----------------------------------------------------------|
| For the Petitioner | : | Mr. S.R. P. Bakshi, Sr. Advocate<br>Mr. Pankaj, Advocate |
| For the State      | : | Mr. Md. Harun Quareshi, AC to SC-1                       |
| For Respondents    | : | Mr. Sanjeev Nikesh, AC to Sri Amit Shrivastav, Adv       |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2. 17-01-2019                      Heard Mr. S.R.P. Bakshi, learned senior counsel representing the petitioner and Mr. Sanjiv Nikesh, learned Assistant Counsel to Sri Amit Shrivastava representing the Bihar State Election Commission.

The petitioner in the present case is seeking quashing of the order dated 09.05.2018 passed by the State Election Commission in Case No. 11 of 2018 by which the complaint preferred by the present petitioner with regard to the caste status



of private respondent no. 8 has been rejected.

Mr. S.R.P. Bakshi, learned senior counsel submits that the impugned order as contained in Annexure-5 is not a reasoned order, moreover the Commissioner, State Election Commission has failed to appreciate the evidences which were brought before him. It is submitted that private respondent no. 8 belongs to Bangali Giri Caste and earlier his forefather had settled down in India by virtue of certain grants. They had declared their caste as Gosai.

Learned senior counsel submits that the caste certificate issued to private respondent showing him belonging to Tanti (Tatwa) caste falling in the scheduled caste category is not a valid certificate and the same has not been issued after proper verification by the competent authority.

On the other hand, learned counsel representing the State Election Commission submits that the complaint preferred by this petitioner was examined, a report was called for from the District Administration but after receipt of the report when it was found that the private respondent has been issued caste certificate showing him belonging to the Tanti (Tatwa) caste, it was felt that the State Election Commission cannot go into the legality and validity of the caste certificate and therefore the



complaint of the present petitioner has been rejected.

Learned counsel submits that the contention of learned Senior Advocate representing the petitioner that the order impugned does not contain any reason is not correct inasmuch as it would appear from perusal of the impugned order that even though it is a briefly stated order but it records that the District Administration has supported the caste certificate which is said to have been duly issued by the Block Welfare Officer.

Having heard learned Senior Counsel and learned counsel representing the State Election Commission as also on perusal of the impugned order, this court is of the considered opinion that the order impugned cannot be set aside on the ground of this being an unreasoned order. The application of mind and the reason for rejection of complaint are apparent on the face of the impugned order as this court finds that on the complaint of this petitioner a report was called for from the District Administration, the District Administration did not question the certificate issued in favour of the private respondent and therefore the State Election Commissioner had no option but to drop the complaint. This court agrees with the submission of learned counsel representing the State Election Commission that once the caste certificate of the private



respondent has been supported by the District Administration, the Commission could not have gone into the question of legality and validity thereof, particularly in view of the judgment of Hon'ble Supreme Court rendered in the case of **Kumari Madhuri Patil and Another Vs. Additional Commissioner** reported in (1994) 6 SCC 241. In the said case the Hon'ble Supreme Court has laid down the guidelines which would be required to be followed for declaration of a caste certificate being an invalid certificate.

The writ application is thus devoid of merit. This court would, however, make it clear that in case the petitioner, if so required, may pursue her remedy in accordance with the judgment of the Hon'ble Supreme Court before the competent forum. So long as the caste certificate exists and is not upset by the Caste Scrutiny Committee, the petitioner cannot maintain a valid complaint solely on the basis of the caste of the private respondent.

This writ application is dismissed with the aforesaid observations.

**(Rajeev Ranjan Prasad, J)**

*Rajeev/-*

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

