

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.8487 of 2009

ORDER:

The present writ petition is filed questioning the action of respondent No.1 in issuing Memo in proceedings RC No.J/397/2008, dated 28.06.2008 rejecting the applications of the petitioners for issuing caste certificates showing that the petitioners belong to "Aray Mala" (Scheduled Caste) community.

Heard learned counsel for the petitioners and learned Government Pleader for Social Welfare.

Counter affidavit on behalf of respondent No.1 is filed.

A perusal of the impugned proceedings shows that respondent No.1 cancelled the caste certificates of the petitioners which were in vogue as claimed by the petitioners since 1996-2007 based on the complaint of the villagers of Charla dated 24.06.2008 that some non-scheduled caste people applied for "Aray Mala" (Scheduled Caste) and that they do not belong to the said community. Based on the said complaint made by the villagers of Charla, the authorities conducted an elaborate enquiry and found that the petitioners do not belong to the said "Aray Mala" (Scheduled Caste) community. The said finding is also supported by the school records. The detailed enquiry conducted by the authorities also reveals that the petitioners migrated from Maharashtra and they do not belong to "Aray Mala" (Scheduled Caste) community, which is not a scheduled caste in the State of Maharashtra.

As seen from the record, respondent No.1, after conducting a detailed enquiry, cancelled the caste certificates of the petitioners by way of impugned proceedings. If the petitioners are aggrieved by the said order, they could have availed the remedy of appeal, instead approaching

this Court under Article 226 of the Constitution of India, for the reasons best known to them.

Having regard to the fact that the impugned order is passed based on a detailed enquiry in strict adherence to the principles of natural justice, no interference is called for in this writ petition by exercising extraordinary jurisdiction.

Further, learned counsel for the petitioners has also not placed any material before this Court, whereby the finding recorded by the authorities with regard to petitioners ineligibility to be considered as "Aray Mala" can be held to improper.

Thus, this writ petition is without merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.

Date: 27.12.2019
ssp

JUSTICE T.VINOD KUMAR

