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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**W.P.A. No. 815 of 2021
(Via Video Conference)**

**Ajoy Krishna Pradhan
-vs.-
The State of West Bengal & Ors.**

Mr. Nonigopal Chakraborty
...for the petitioner

Ms. Chaitali Bhattacharya,
Ms. Rajlakshmi Ghatak
...for the State-respondents

The petitioner has challenged a notice issued to the petitioner by the Sub-Divisional Magistrate & Sub-Divisional Officer, Medinipur Sadar, under Rule 3, sub-rules (1) and (2) of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995.

It is urged by learned counsel for the petitioner that, no basis of such objection raised before the Block Development Officer and/or any reason having been assigned in the notice issued to the petitioner, the said notice is bad in law. It is further submitted that the Block Development Officer did not have any authority under the law to conduct inquiry, not being a certificate issuing authority, as envisaged under Section 9 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994.

Upon hearing learned counsel for both sides, it is apparent from the impugned notice, dated December 29, 2020, that the same was issued under Rule 3(2) of the aforesaid Rules. A notice under the said sub-rule is a mere prelude to subsequent proceedings for cancellation. As such, in any event, the present challenge is premature, since Rule 3(3) of the said Rules mandates that the certificate issuing authority shall, after the issuance of the notice under sub-rule (2), issue another notice to the holder of the certificate to show cause within fifteen days or within a period of shorter duration as it may think fit, as to why the certificate issued in his favour shall not be cancelled, impounded or revoked on the grounds stated in the notice.

However, sub-rule (2) does not require any such grounds to be stated. Such a notice is merely a direction on the person holding the certificate to deposit the same in original.

That apart, since the certificate issuing authority, that is, the Sub Divisional Magistrate & Sub-Divisional Officer himself, issued the said notice, there is no contravention of Section 9 of the 1994 Act as well.

Accordingly, W.P.A. No. 815 of 2021 is dismissed. However, liberty is given to the petitioner, in the event the petitioner is aggrieved by the final order, if any, of

cancellation of the petitioner's certificate, to challenge the same.

The observations made herein shall not prejudice the contentions of the petitioner, if such a challenge is preferred at all.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)