

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8583 of 2022

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Dhiraj Kumar Devnath Son of Nityanand Devnath Resident of Village-
Dumri, P.O. and P.S.- Govardhana Dumri, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of General Administration, Government of Bihar, Patna, Bihar.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna, Bihar.
3. The Principal Secretary Department of Welfare, Government of Bihar, Patna, Bihar.
4. The District Magistrate West Champaran, Bihar.
5. The Deputy Collector Land Reforms, Bagaha, District- West Champaran, Bihar.
6. The Circle Officer Ram Nagar, Sub Division Bagaha, District- West Champaran, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vinay Krishna Tripathy, Advocate
For the Respondent/s	:	Mr.Sheo Shankar Prasad (SC 8)
	:	Mr. Ruchikar Jha, AC to SC 8

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-11-2022 The present writ petition has been filed for setting aside the order dated 02.05.2022, passed by the District Magistrate, West Champaran at Bettiah i.e. the respondent no. 4, whereby and whereunder the caste certificate of the petitioner, declaring him to be a member of the Scheduled Caste, has been directed to be cancelled as also the order dated 14.05.2022, passed by the Circle Officer, Ram Nagar, West Champaran i.e. the respondent no. 6, whereby the said



caste certificate has been cancelled.

The learned counsel for the petitioner as also the learned counsel appearing for the respondent- State have jointly submitted that the authorities of the Bihar State Election Commission have already referred the matter of the petitioner to the Caste Scrutiny Committee constituted by the State of Bihar, in pursuance to the judgment rendered by the Hon'ble Apex Court in the case of ***Kumari Madhuri Patil & Anr. v. Additional Commissioner, Tribal Development & Ors.***, reported in ***(1997) 5 SCC 437***. It is also submitted that the petitioner is ready to abide by the final decision to be taken by the Caste Scrutiny Committee, Government of Bihar, Patna.

In this regard, the learned counsel for the petitioner has also referred to a judgment rendered by the learned Division Bench of this Court ***dated 21.06.2022***, passed in ***C.W.J.C. no. 19084 of 2021 (Baidhnath Singh v. The State of Bihar and others)***, paragraphs no. 5, 6, 11 and 12 whereof, are reproduced hereinbelow :-

“ 5. Learned counsel appearing for the State submitted that considering the report of the Halka Karamchari and after



going through the revenue records, the Circle Officer, Dighwara came to the conclusion that the caste of the petitioner is 'Koyeri' and not 'Dangi'. He contended that under the aforesaid circumstance, the Circle Officer rightly cancelled the caste certificate granted in favour of the petitioner earlier.

6. When confronted without the judgment of the Hon'ble Supreme Court in Kumari Madhuri Patil (supra), he fairly conceded that the Circle Officer ought not to have passed the impugned order.

11. In the State of Bihar, the caste certificate is issued by Revenue Authorities. After the judgment of the Hon'ble Supreme Court in Kumari Madhuri Patil (Supra), it has been settled that caste certificate duly issued by the Revenue Authorities who have been delegated with such power cannot be cancelled by the authority who has issued the caste certificate.

12. In the above view of the matter, it would be evident that the Circle Officer was not the competent authority to cancel the caste certificate of the petitioner rather it was the Scrutiny Committee constituted by the State Government which was



empowered to do so. In these circumstances, the impugned order dated 16.10.2021 passed by the Circle Officer, Dighwara, Saran as contained in Annexure-5 to the present application is hereby set aside.”

I have heard the learned counsel for the parties, perused the aforesaid judgments and gone through the facts and circumstances of the case. This Court finds that since the case of the petitioner regarding verification of his caste/ social status is already pending adjudication before the Bihar State Caste Scrutiny Committee, Patna, the declaration/ determination of the caste/ social status of the petitioner shall be dependent upon the final outcome of the proceedings, pending before the Bihar State Caste Scrutiny Committee, Patna. Nonetheless, this Court is of the view that the order dated 14.05.2022, passed by the Circle Officer, Ramnagar, West Champaran, whereby and whereunder the caste certificate issued in favour of the petitioner has been cancelled, is not sustainable in the eyes of law, inasmuch as he is not the competent authority to cancel the caste certificate of the petitioner, in view of the law laid down in the judgments rendered in the case of ***Kumari Madhuri Patil (supra)*** and



Baidhnath Singh (supra), hence, is quashed.

The writ petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

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