

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13905 of 2022

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Pawan Kumar Agrawal Son of Ratan Lal Agrawal, Resident of Village-Ward No.9, Thakurwari Road, Bahadurganj, Police Station-Bahadurganj, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. Bihar State Election Commission through its Secretary, Son Bhawan, Birchand Patel Path, Patna.
3. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
4. The District Magistrate-Cum-District Election Officer, Kishanganj
5. The Deputy Collector, land Reforms, Kishanganj,
6. The Circle Officer, Bahadurganj Circle, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate
For the Respondent/s : Mr.Subhash Pd. Singh, (GA-3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date:19.09.2022

The present writ petition has been filed for directing the respondent authorities to issue caste certificate to the petitioner in order to enable him to file nomination for the Urban Local Bodies Election, 2022 for which notification has already been issued on 09.09.2022.

2. The brief facts of the case, according to the petitioner, is that the petitioner belongs to Most Backward Caste known as *Sinduriya Baniya* and was granted caste certificate from the office of the Circle Officer, Bahadurganj vide



Certificate No. 546 dated 20.07.2017, however, upon complaint, enquiry was initiated against the petitioner at the instance of his enemies whereupon the Collector, Kishanganj had cancelled the caste certificate of the petitioner vide order dated 12.07.2019, which was challenged by the petitioner by filing a writ petition bearing C.W.J.C. No. 15010 of 2019. It has been further submitted that a coordinate Bench of this Court had disposed off the said writ petition filed by the petitioner vide order dated 14.11.2019, relevant portion whereof is reproduced herein below:-

“Having heard learned counsel for the parties and on perusal of the records, in view of the facts appearing and the submissions made at the Bar, this Court finds that the impugned order as contained in Memo No. 921 dated 12.07.2019 issued under the signature of the District Magistrate-cum-District Election Officer (respondent no. ‘4’) and the consequential order as contained in Memo No. 719 dated 20.07.2019 issued under the signature of the Circle Officer, Bahadurganj are liable to be set-aside and those are accordingly, set-aside. The matter is remitted to the District Election Officer, Kishanganj with a direction to refer the matter to the Caste Scrutiny Committee for scrutiny of the caste certificate of the petitioner in accordance with law and judicial pronouncements on the subject within a



period of one month from the date of receipt/production of a copy of this order. The Caste Scrutiny Committee shall submit its report within a period of three months from the date of receipt of the reference. On receipt of the report from the Caste Scrutiny Committee, the Bihar State Election Commission (respondent no. 3) shall proceed with the matter and shall pass an appropriate order in accordance with law.

The writ application stands disposed of.”

3. The learned counsel for the petitioner has further submitted that since a coordinate Bench of this Court vide order dated 14.11.2019 had set aside the order dated 12.07.2019 passed by the District Magistrate-cum-District Election Officer, the caste certificate issued by the Circle Officer, had revived and is valid for all purposes, nonetheless, the office of the District Election Officer, has informed the petitioner that a fresh caste certificate is required as per the notification issued by the State Election Commission for the purposes of Urban Local Bodies Election, 2022 dated 08.09.2022/09.09.2022. The learned counsel for the petitioner has also submitted that since the last date for submission of nomination paper for Bahadurganj Nagar Panchayat, from where the petitioner has to contest the election, is 19.09.2022, the respondents be directed to issue necessary



caste certificate since the petitioner cannot file his nomination paper without the same.

4. Per contra, the learned counsel appearing for the respondent-State as also for the Bihar State Election Commission, Patna, on instructions have submitted that the matter of the petitioner regarding scrutiny of his caste certificate is pending before the Caste Scrutiny Committee, constituted in terms of the directions issued by the Hon'ble Apex Court in the case of *Kumari Madhuri Patil and Others vs. Additional Commissioner, Tribal Development and others*; reported in *(1994) 6 SCC 241*, hence firstly in case the Caste Scrutiny Committee has not submitted its report, the petitioner ought to have approached the same Bench which had passed the aforesaid order dated 14.11.2019, for enforcement of the same and secondly unless and until the report of the Caste Scrutiny Committee is received, the respondents cannot proceed further in the matter inasmuch as the same would amount to disobedience and violation of the aforesaid order dated 14.11.2019, passed by a co-ordinate Bench of this Court in CWJC No. 15010 of 2019.

5. I have heard the learned counsel for the parties and perused the materials available on record and I find that the case



of the petitioner regarding issuance/scrutiny of his Caste Certificate has already been dealt with by a coordinate Bench of this Court in the aforesaid writ petition bearing CWJC No. 15010 of 2019 and appropriate directions have also been issued to the Caste Scrutiny Committee in that regard vide order dated 14.11.2019, as aforesaid, hence the present writ petition having been filed with regard to the matter directly and substantially in issue in the earlier writ petition filed by the petitioner bearing CWJC No. 15010 of 2019, the present writ petition seeking same and similar relief is not maintainable being barred by the principles of *res judicata*, apart from being devoid of any merit, for the reasons mentioned herein above, thus stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	03.10.2022
Transmission Date	

