

02 02.06.22
Srimanta
Ct. No. 6

WPA 9724 of 2022

**Rinki Roy @ Rinki Biswas
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari, Adv.,
Sk. Imtiaz Uddin, Adv.

... .. For the petitioner.

Mr. Himadri Sekhar Chakraborty, Adv.,
Mr. Bellal Shaikh, Adv.,
Ms. Benazir Ahmed, Adv.

...for the State.

The grievance of the petitioner is that the Sub-Divisional Officer, Berhampore Sadar, Murshidabad, respondent no. 3 herein issued a letter on 31st May, 2022 to the petitioner directing her to surrender her original scheduled caste certificate to him within 3rd June, 2022, failing which legal action will be taken against her and in respect of her Scheduled caste certificate as per the concerned Act and Rules.

It is submitted by the Learned Advocate for the petitioner that Rule 12 of Backward Classes Welfare Department Memorandum No. 1203 dated 27th July, 2015 states about cancellation, impounding or revocation of caste certificate. The issuing authority is authorized to cancel, impound or revoke of such certificate. It is contended by the Learned Advocate for the petitioner that the respondent no. 3 has no power to cancel or revoke the caste certificate.

The scheduled caste certificate of the petitioner is annexed at page 35 (annexure – P/1) of the instant writ petition. It was issued on 8th April,

2018 by the Sub-Divisional Officer, Berhampore Sadar, Murshidabad. Therefore, the Sub-Divisional Officer, Berhampore Sadar, Murshidabad is the issuing authority of the caste certificate. So as per Rule 12 is also authorized to cancel or revoke the caste certificate. Thus, the contention of the Learned Advocate for the petitioner in this regard has no leg to stand. However, this Court is of the view that the petitioner should be given an opportunity of being heard. For this reason, the petitioner is directed to appear before the Sub-Divisional Officer, Berhampore Sadar, Murshidabad within three weeks from the date of this order with all supporting documents in support of her claim and on the basis of such documents that may be filed by the petitioner, the Sub-Divisional Officer shall hold a preliminary enquiry and pass a reasoned order in terms of Rule 12 of the above-mentioned memorandum.

Since the petitioner is a lady, she is permitted to be represented by any of her authorized agent during preliminary enquiry.

The instant writ petition is, thus, **disposed of.**

(Bibek Chaudhuri, J.)

