

22nd September, 2022
(D/L No.21)
(SKB)

W.P.A. 21240 of 2022

Chapa Mondal
Versus
The State of West Bengal and others

Mr. Bikash Ranjan Bhattacharya,
Mr. Prahlad Chandra Ghosh,
Mr. Subir Hazra
... for the petitioner.

Mr. Raja Saha,
Mr. S. P. Lahiri
... for the State.

The affidavit of service is kept on record.

The grievance of the petitioner relates to an order passed by the Sub-Divisional Officer, Malda on 31st August, 2022.

By the impugned order, the Sub-Divisional Officer initiated proceedings under Rule 3 of The West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995 and directed the Joint B.D.O., Manikchak Block, Malda to cause local enquiry for determination of caste status of the petitioner under 1995 Rules.

Learned counsel appearing for the State submits that apart from Rule 3, regulations have also been framed by a Memorandum dated 27th July, 2015 by the State Backward Classes Welfare Department in the form of guidelines for issuance of SC/ST certificates.

Since the order appears to have been passed at a preliminary stage without any *prima facie* satisfaction arrived at by the S.D.O., Malda. W.P.A.21240 of 2022 is disposed of with a direction on the S.D.O., Malda to determine the caste status of the petitioner strictly in accordance with Rule 3 of The West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995 along with the Memorandum dated 27th July, 2015 as also the procedure enumerated by the Supreme Court in *Kumari Madhuri Patil and another Vs. Addl. Commissioner, Tribal Development and others* reported in (1994)6 SCC 241.

(Moushumi Bhattacharya, J.)