

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.1831 of 2022

Purna Chandra Golory

....

Petitioner(s)

Mr. D.R. Bhokta,
Advocate

-versus-

Collector, Koraput & Ors.

....

Opposite Party(s)

Mr. S.N. Mishra,
Additional Government Advocate

CORAM:
JUSTICE BISWANATH RATH

ORDER
31.01.2022

Order No.

01.

1. This matter is taken up by video conferencing mode.
2. Undisputedly this writ petition involves election dispute, where the election of the petitioner has been set aside on account of non-availability of caste certificate.
3. Mr. Bhokta, learned counsel for the Petitioner taking this Court to the plea taken in the writ petition submitted that there has been illegal cancellation of caste certificate of the Petitioner and it has been cancelled in a proceeding taken place behind back of the Petitioner. It is alleged that both the Courts below failed in appreciating the above clandestine attempt affecting the election prospect of the candidate involved herein.
4. Considering the submission of Mr. Bhokta, learned counsel for Petitioner, on perusal of the impugned orders involved in the election dispute and for the opinion of this Court, fate of the Petitioner involving the Election dispute was very much dependent on the survival or non-survival of the caste certificate involving the Petitioner,

neither the Election Tribunal nor the District Judge had any scope in dealing with the matter regarding illegal cancellation of the caste certificate, if any, undisputedly the caste certificate so relied was cancelled and Petitioner had no caste certificate in his favour. This Court here records the submission of Mr. Bhokta, learned counsel for the Petitioner that there is illegal cancellation of the candidature of the Petitioner and the Petitioner has already moved the competent authority and the proceeding involving such issue is still pending. This Court here finds, there is no caste certificate at the instance of the Petitioner as of now. As a consequence, this Court finds, there is no infirmity in either of the impugned orders. Further, for the term involving the position since got over, this Court is of the opinion that entertaining such dispute at this stage will become academic as the fate of the Petitioner hinges on the ultimate decision to come in the proceeding stated to have been initiated regarding cancellation of the caste certificate of the Petitioner. This Court, therefore, while declining to entertain the writ petition at this stage, however observes, Petitioner's right to contest the elections in future shall be dependent on the ultimate outcome in any proceeding initiated involving the cancellation of caste certificate of the Petitioner.

5. The Writ Petition stands dismissed but with the above observation & direction hereinabove.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and

Court's Office order circulated vide memo Nos.514 & 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

Ayaskanta Jena

