

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.24054 of 2020

<i>Sudhansu Sekhar Behera</i>		<i>Petitioner</i>
		Mr. A.K. Nayak, Advocate
		-versus-
<i>Union of India and others</i>		<i>Opp. Parties</i>
		Mr. P.S. Nayak, Sr. Panel Counsel

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
19.10.2022**

04. 1. The prayer in the present petition is for inclusion of castes of Girigiria, Girigira and Gingira to be included at Sl. No. 24 of the Constitution (Scheduled Castes) Order 1950. This Court has in its decision dated 30th September, 2022 in W.P. (C) No. 23399 of 2013 (*Khatua Mallick v. Union of India*) already rejected the contrary prayer for removal of 'Keuta, Kaibarta, and Dhibara' from the Sl. No.24 on the ground that neither inclusion nor exclusion of communities from the list of Scheduled Castes in the Constitution (Scheduled Castes) Order 1950 is permissible at the instance of the Court. In doing so, this Court relied on the judgments of the Supreme Court in *Nityanand Sharma v. State of Bihar AIR 1996 SC 2306*, *Pankaj Kumar Saha v. The Sub-Divisional Officer, Islampur AIR 1996 SC 1728*, *S. Swvigaradoss v. Zonal Manager FCI AIR 1996 SC 1982*, *Director of Tribal Welfare, Government of A.P. v. Laveti Giri AIR 1995 SC 1506*, *Srish Kumar Choudhury v. State of Tripura AIR 1990 SC 991*, *State of Maharashtra v.*

Milind AIR 2001 SC 393, A. Chinnappa v. V. Venkatamuni 1996 (3) SCC 585, Prabhudev Mallikarjunaiah v. Ramachandra Veerappa AIR 1996 SC 1962 and the decision in Puducherry Scheduled Caste People Welfare Association v. Chief Secretary to Government, Union Territory of Pondicherry (2014) 9 SCC 236.

2. Consequently, this writ petition is not entertained and is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

KC Bisoi

