

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.25724 of 2022
(Through Hybrid mode)

Tuni Mallik

....

Petitioner

Mr. Prafulla Kumar Rath, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. A. K. Sharma, AGA

Mr. M. Dhir, Advocate for O.P.5

CORAM: JUSTICE ARINDAM SINHA

ORDER
14.12.2022

Order No.

03. 1. Mr. Rath, learned advocate appears on behalf of petitioner and submits, the Collector entered upon the proceeding without jurisdiction. He draws attention to impugned order dated 5th August, 2022 to demonstrate that regarding caste certificate issued to his client, the Collector admitted the case to ask the Tahasildar to produce LCR and issue notice. He submits, authority to enquire is with the scrutiny committee, under section 6 of Odisha Scheduled Caste, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of Castes Certificates) Act, 2012.

2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and submits, by impugned order, the Collector directed re-examination in respect of issuance of caste certificate to petitioner, in terms of sub-rule (2) under rule 4 in Odisha Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of Castes Certificates) rules, 2019. In reply, Mr. Rath relies on view taken by Co-ordinate Bench on **judgment dated 20th May, 2022**, passed in **W.P.(C) no.3373 of 2022 (Namita Sagaria vs. State of Odisha and others)**.

3. View taken by Co-ordinate Bench in **Namita Sagaria** (supra) is that section 6 makes it clear that only scrutiny committee constituted thereunder is empowered to verify genuineness of caste certificates. In that case the Tahsildar had conducted inquiry and subsequently canceled the caste certificate. Co-ordinate Bench set aside impugned the communication canceling the caste certificate and also observed in paragraph 8 as reproduced below.

“8. However, if anybody has any grievance relating to the genuineness of the Caste Certificate issued in favour of the petitioner, an appropriate motion as permitted under “the Act” can be made before the Scrutiny Committee, who in turn can redress such grievance in accordance with law.”

4. Petitioner's case is squarely covered by view taken in **Namita Sagaria** (supra), with which this Bench respectfully agrees.
5. Impugned order is set aside and quashed.
6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant

