

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19389 of 2011

Manoj Kumar Prasad, Son of Sri Bhagwan Gond, Resident of Village-Yogia,
Police Station-Brahampur, District-Buxar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, New Delhi.
2. The Director General, Central Reserve Police Force, New Delhi.
3. The Inspector General, Central Reserve Police Force, Patna. Null Null
4. The Deputy Inspector General, Central Reserve Police Force, Digha Complex, Ashiana Digha Road, Patna
5. The Commandant-Cum-Disciplinary Authority, 147 Battalion, Central Reserve Police Force, Kashipur, Silchar (Assam)
6. The Assistant Commandant-Cum-Enquiry Officer, 147 Battalion, Central Reserve Police Force, Kashipur, Silchar (Assam).
7. The Principal Secretary, General Administration, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Advocate
For the State	:	Mr. Birju Prasad, GP-13.
		Mr. Ajit Anand, Ac to GP-13
For the Union of India	:	Mr. Anshuman Singh, CGC, UOI

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

10 31-10-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of Union of India and learned counsel for the State.

2. The present writ petition has been filed for quashing the order dated 03.11.2010 issued by the Revisional Authority, Inspector General of Police, Central Reserve Police Force whereby the Revisional Authority rejected the revision petition of the petitioner which was filed against the order dated 10.02.2009 by the Appellate Authority which was filed against



the order dated 28.12.2007 which was filed by the petitioner.

3. Initially the petitioner was appointed on the post of constable/G.D. pursuant to the advertisement issued by the competent authority and he was appointed in CRPF under ST category and his appointment was based on the caste certificate submitted by the petitioner at the time of his initial appointment. After the appointment of the petitioner, the competent authority had sent the certificate of the petitioner for verification and during verification of the caste certificate of the petitioner, the S.D.O., Dumraon, Buxar had intimated the C.R.P.F authority vide memo no.627 dated 15.04.2006 that the said community "Gour" belong to other backward classes "OBC" and also intimated that "Gour" community was notified as backward class by the Government of Bihar vide memo no.695 dated 28.02.2007 had taken a resolution and it has observed that no such caste of 'Gour' or 'Gond' exists. Therefore, in light of the advance made by the State Commission for backward classes, it is decided that the serial no.24 and 27 of the Schedule (the list of the most backward classes which includes 'Gour' / 'Gond'). Thereafter, the State Government had also taken decision in future the 'Gour' / 'Gond' will be considered as 'Gond' and treated all of them as Schedule Tribes.



4. Learned counsel for the petitioner submits that the petitioner has applied the post in question on the basis of the caste certificate issued by the competent authority and on that basis he has been selected, but it has come during inquiry of his caste certificate, it was found that the petitioner is not belong to ST category.

5. Learned counsel for the Union of India as well as State, on the other hand, have vehemently oppose the prayer of the petitioner and submits that it is admitted fact that when the petitioner was initially appointed on the post in question, the 'Goud' or 'Gonr' was under the OBC category and petitioner had produced the caste certificate for his appointment which suggests that he is belong to ST community and after the resolution of Personnel and Administrative Reforms, Government of Bihar vide memo no.695 dated 28.02.2007, the community 'Gour' or 'Gond' were treated as ST, hence the petitioner at the time of appointment was of Other Backward Classes and he was initially appointed in CRPF as constable 'GD' against the existing vacancy of ST category based on ST certificate issued by SDO, Dumraon vide memo no.196 dated 02.02.2001, whereas at the time of issue of said certificate as well as the appointment of the petitioner, the caste is belong to



was categorized as backward classes and not as ST category. The petitioner manage to his appointment in CRPF after producing forged caste certificate, accordingly the petitioner was imposed penalty of 'dismissal from service' vide Office Order No.P-VII-3/2006-Tem-Two/14 dated 28.12.2007 after conducting proper Departmental Enquiry. Thereafter, the petitioner filed an appeal to the DIG, C.R.P.F., Patna (Appellate Authority) which was rejected vide DIG, CRPF, Patna Office Order No.P-VIII,MKP-[147]/09-EC-I dated 10.02.2010. Thereafter the petitioner has prefer revision petition which was also rejected. The present status of the 'Gour' or 'Gond' caste is concerned, there is no existence of the said caste as backward classes and most backward classes for the State of Bihar and it has been explained vide memo no.2410 dated 20.07.2007 that there is no existence of caste 'Gour' or 'Gond' in Bihar, so it has been directed that a 'Gour,/Gonr or Gond' is mentioned in official or non-official revenue and other records, it should be read as Schedule Tribes certificates and other facility should be admissible to the members of the said community.

6. In view of the aforesaid, it transpires that on the date of his initial appointment the petitioner does not belong to the ST category, and the authority after conducting proper



departmental enquiry, has dismissed the petitioner from the post of constable, (GD) on the ground that petitioner does not belong to the ST category on the date of his initial appointment, so the authority has rightly dismissed the petitioner from the post of constable, (GD) and the same has affirmed by the appeal as well as in revision preferred by the petitioner.

7. In view of the aforesaid, no merit in the writ petition, the writ petition is dismissed.

(Rajesh Kumar Verma, J)

Prakash Narayan

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