

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7396 of 2023

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Kameshwar Singh S/o- Late Chandrika Singh Resident of Village-Babhnauli,
P.S- Govindganj, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the chief secretary, Govt. of Bihar.
2. The Principal Secretary of General Administration Department of Bihar Government. Bihar.
3. The deputy secretary of General Administration Department of Bihar Government. Bihar.
4. The District Magistrate of Gopalganj.
5. The District Magistrate of West Champaran (Betiah)
6. The District Magistrate of East Champaran (Motihari).
7. The District Magistrate of Siwan.
8. The Additional District Magistrate of Gopalganj, Siwan, East Champaran, and West Champaran District.
9. The all Sub Divisional magistrate of Gopalganj, Siwan, East Champaran and West Champaran District.
10. The all Circle officer District Gopalganj, Siwan, East Champaran and West Champaran.
11. The all Block Development officers of District Gopalganj, Siwan, East Champaran and West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate
For the Respondent/s : Mr. P.K. Shahi, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-08-2023

The petitioner has filed the above writ petition on
the ground that the petitioner's caste; *Awadhiya (Awadhwansi*
Kshtriye) has not been separately mentioned in the list of castes



as per the Caste Survey of 2023 carried out by the State of Bihar. The *Awadhiya* has been placed as a sub-caste under the caste *Kurmi*, which according to the petitioner is not the correct status. The petitioner asserts that *Awadhiya* is a separate caste with a distinct culture, rituals, and so on and so forth, entitled to be placed as a separate caste within the State of Bihar. The petitioner has sought for stay of the Caste Survey on the above grounds.

2. At the outset, it has to be stated that the petitioner has approached this Court at the fag end of the survey carried out by the State. In fact, the petitioner's contention itself is that the *Awadhiya* is shown as sub-caste of *Kurmi*, and in such circumstances, there would be a separate categorization; though as a sub-caste. Even in that circumstance, the petitioner could make appropriate representations before the State or the Commissions, when the question of social and economic benefits is considered by the State. There can be no stay of the proceedings on the ground raised in the writ petition.

3. Further, it is to be noted that the counter affidavit deals with the issue and specifically points out that the identification of castes was done by the Government after consultation with the various statutory Commissions appointed



in the State for the purpose of making recommendations on the social, economic, and educational benefits to be given to the marginalized sections of society.

4. After consultation with the Commission, it is stated that the District Magistrates were directed to report on the castes existing within their area. In addition to the major castes, the District Magistrates have reported the existence of eleven castes in their respective districts, which was also reckoned while charting out the list of castes.

5. Again, it is pointed out that though 214 caste names are shown in the list, there is a separate code at 215 wherein a specific caste name, not included in the 214, could be stated by the subjects of the survey.

6. We are of the opinion that the Public Interest Litigation is misplaced. There is sufficient opportunity for the petitioner's caste and its members to specify their caste name as in the survey though it is not included in the named 214 castes.

7. Even the petitioner has a case that the *Awadhiya* caste is entered as a sub-caste of *Kurmi*; which, even if not the correct status, there would be identification of the persons belonging to the separate sub-caste, thus enabling the State to even consider them as a separate caste, if it is permissible and



expedient.

8. We dismiss the writ petition without any observation on the merits.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	19.08.2023.
Transmission Date	

