

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8578 of 2023

Karuna Devi Wife of Manoj Sah Resident of Village-Satjori, PS Goradih,
District Bhagalpur, Presently Mukhiya of Sonudih Satjori Gram Panchayat,
District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, department of General Administration, Government of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. District Magistrate, Bhagalpur.
4. The Sub-Divisional Officer, sadar, District-Bhagalpur
5. The District Panchayat Raj Officer, Bhagalpur.
6. The Block Development Officer, Goradih, District-Bhagalpur.
7. The Circle Officer, Goradih, District-Bhagalpur
8. Gudiya Devi Wife of Gulshan Thakur, Resident of Village Sonudih, PS Goradih, District-Bhagalpur
9. The State Election Commission, Bihar, Patna through its Secreary, 3rd Floor, Sone Bhawan, Veer Chand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Choubey, Advocate
For the S.E.C.	:	Mr. Girish Pandey, Advocate
	:	Mr. Ravi Ranjan, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4
	:	Mr. Manoj Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-12-2023

Heard Mr. Ranjeet Choubey, learned counsel
appearing on behalf of the petitioner, Mr. Girish Pandey with
Mr. Ravi Ranjan, learned counsels appearing on behalf of the
State Election Commission and Mr. Manish Kumar (GP-4) with
Mr. Manoj Kumar (AC to GP 4), learned counsels appearing on
behalf of the State.

2. Petitioner has filed the present writ petition for the following reliefs:-

i. For issuance of an appropriate writ in the nature of Certiorari or any other writ of similar nature for quashing order dated 12.04.2023 and contained under Memo No.514 dated 12.04.2023 issued under the signature of Respondent Circle Officer whereby and whereunder he has been pleased to cancel the case certificate no.BCCCPO/2021/381550 dated 03.02.2021 issued in name of the writ petitioner on the ground that same is not only illegal but also highly arbitrary.

ii. For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondent State Election Commission, not to proceed in Case No.86 of 2021 as against writ petitioner based upon an illegal order passed by the Respondent No.7 which is patently illegal.

iii. For issuance of any other writ/s, direction/s to which writ petitioner is entitled to in the fact and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that petitioner is ‘*Teli*’ by caste and at the time he had filed his nomination, he had produced caste certificate duly issued by the Circle Officer in Form IV, in accordance with the guidelines of the State Government, which was issued on 03.02.2021, in which he has been declared as ‘Extremely Backward Class’ and the Circle Officer has exceeded his jurisdiction by canceling caste certificate issued on 03.02.2021

instead of sending a detail report before the State Election Commission. Learned counsel further submitted that the Circle Officer has no jurisdiction to decide the caste of the petitioner as to whether *Teli* is a Backward Class or Extremely Backward Class. Learned counsel further informed that the respondent no.8 has already filed an application before the State Election Commission for declaring the election of Sonudih Satjori Gram Panchayat, P.S. Goradih District -Bhagalpur, before declaring the candidature of the petitioner, who has been elected as *Mukhiya* of the said Gram Panchayat. The State Election Commission has referred the matter to the Backward Caste Scrutiny Committee to determine whether *Teli* caste falls under Extremely Backward Class or under Backward Class. It is contented that before the matter is decided by the Caste Scrutiny Committee, the Circle Officer, Goradih (Respondent No.7) had no jurisdiction to cancel the caste certificate dated 03.02.2021 in which the petitioner has been declared *as Teli*, Extremely Backward Class.

4. Per Contra Mr. Manoj Kumar, learned counsel for the State submitted that matter relating to declaration of the caste of the petitioner is pending before the Caste Scrutiny Committee. The writ petition is pre-mature and not maintainable

before this Court.

5. Mr. Ravi Ranjan, learned counsel appearing on behalf of the State Election Commission submitted that as the question with respect to the caste of the petitioner is pending before the Caste Scrutiny Committee, the writ petition is not maintainable in the light of the decision passed by the Hon'ble Division Bench of this Court in the case of **Baidhnath Singh Vs. State of Bihar & Ors.** bearing **CWJC No.19084 of 2021.**

6. Having considered the rival submissions, as well as, reliefs as sought for in the present writ petition, the order contained in Memo No.514 dated 12.04.2023, by which the Circle Officer, Goradih, Bhagalpur has cancelled the caste certificate issued in the prescribed Form IV on 03.02.2021 is held to be without jurisdiction and the same is set-aside and quashed.

7. The Circle Officer, Goradih, Bhagalpur is directed to submit his report with respect to caste of the petitioner on the basis of the Government's Notification to the Caste Scrutiny Committee.

8. The Caste Scrutiny Committee is directed to adjudicate into the matter and determine the cast of the petitioner on the basis of the records and informations before

any action is taken with respect to the petitioner within a period of six weeks from the date of communication of this order by giving appropriate opportunity of hearing to the petitioner.

9. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J.)

Chn/-
Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA