

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10438 of 2018

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Bibi Hajra Khatun @ Bibi Hazara Khatoon Wife of Prawez Akhtar, Resident of Village- Kurma, Police Station- Dhoriya, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administrative Department, Government of Bihar, Patna.
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The Bihar State Election Commission, Bihar through its Chief Election Commissioner, Sone Bhawan, Be
5. The State Election Commissioner, Sone Bhawan, Beer Chand Patel Path, Patna.
6. The Under Secretary of General Administration Department, Government of Bihar, Patna.
7. The Secretary, Bihar State Election Commission, Sone Bhawan, Beer Chand Patel Path, Patna.
8. The District Magistrate cum District Election Officer, Banka.
9. The District Panchayat Raj Officer, Banka.
10. The Sub-Divisional Officer, Banka.
11. The Block Development Officer, Dhoriya, District- Banka.
12. The Circle Officer, Dhoriya, District- Banka.
13. The Circle Officer, Meharna, District- Godda.
14. Pankaj Kumar Singh, Son of Adhik Lal Singh, Police Station- Dhoriya, District- Banka.
15. Laxmi Sah, Son of Vishwanath Sah, Resident of Village- Barkop Deru, Police Station- Dhoriya, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Balram Kapri, Advocate
For the Respondent/s	:	Mr. Md.N.H.Khan -SC-1
For the SEC	:	Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 07-04-2023 Heard learned counsel for the petitioner, learned
counsel for the State and the learned counsel for the State



Election Commission.

The learned counsel for the petitioner submits that the petitioner is aggrieved by an order contained in Memo No. 111 dated 13.02.2018 issued by the Circle Officer, Dhoraiya whereby the caste certificate of the petitioner, issued on 09.02.2017, has been cancelled even without issuing any show-cause notice to him.

Learned counsel for the petitioner very fairly next submits that in view of the judgment of the Hon'ble Supreme Court in **Madhuri Patil Vs. The State of Maharashtra** reported in **(1994) 6 SCC 241**, the Caste Scrutiny Committee has been constituted in the State of Bihar for adjudicating the disputes relating to caste. It is next submitted that the petitioner would be satisfied if he is relegated before the Caste Scrutiny Committee for adjudicating the dispute raised in the present writ petition.

Learned counsel for the State and the learned counsel for the Election Commission do not have any objection to the prayer made by the learned counsel for the petitioner.

In view of the submissions made by the learned counsel for the petitioner, the writ petition is disposed of with a direction to the petitioner to approach the Caste Scrutiny



Committee by filing a representation raising all the issues as raised in the present writ petition by 12.05.2023.

In the event, if such a representation is filed by 12.05.2023, the Caste Scrutiny Committee is directed to consider adjudicating the case based on the averments and documents pleaded in the representation of the petitioner, expeditiously, preferably within a period of six months.

The order dated 13.02.2018, issued by the Circle Officer, Dhoraiya, shall remain in abeyance and would be subject to the outcome of the decision by the Caste Scrutiny Committee.

It is further made clear that the petitioner after filing his representation within the time aforesaid shall be at liberty to seek stay of the order passed by the Circle Officer, Dhoraiya by the Caste Scrutiny Committee.

In the event, if the petitioner does not file any representation by 12.05.2023, the present order shall not be given effect to.

(Satyavrat Verma, J)

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