

22.03.2023
Ct. 5
D/L 7
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WPA 4717 of 2023

Subhajit Mandal

-Vs-

The State of West Bengal & Ors.

Mr. D. Saha Roy,
Mr. Imtiaj Uddin

... for the petitioner

Mr. Md. Galib,
Mr. Anubrata Santra

... for the State

The petitioner is aggrieved by an order dated 3rd February, 2023 passed by the Sub-Divisional Officer, Diamond Harbour, South 24 Parganas, cancelling the Caste Certificate of the petitioner. The impugned action was taken under The West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995 and a Memo dated 27th July, 2015.

According to learned counsel appearing for the State, the Memo refers to updated guidelines on the issuance of SC/ST Certificates.

The petitioner happens to be one of the parties before a coordinate Bench where an order was passed on 15th December, 2022 directing the Backward Classes Welfare Department to scrutinize the Caste Certificates of 55 candidates.

The impugned order, in the present case, refers to the matter before the coordinate Bench (*WPA 10490 of 2022 (Hemabati Mandi Vs. The State of West Bengal & Ors.)*).

Section 9A(1)(a) of the 1994 Act provides for an appeal to the District Magistrate against any cancellation of a Caste Certificate issued by Certificate Issuing Authority.

Rule 7G of the 1995 Rules also provides for a similar recourse to an aggrieved party.

The ground urged by learned counsel for the petitioner for seeking to by-pass the statutory appellate remedy is that the copy of a Report was not made available to the petitioner at the relevant point of time. This is not a ground to interfere in the matter overlooking the statutory recourse available to the petitioner. This is all the more so since the petitioner appeared for a hearing before the concerned authority on 27th January, 2023. The petitioner can also take this point in the appeal before the District Magistrate and seek an adjudication on this respect.

WPA 4717 of 2023 is accordingly disposed of with liberty to the petitioner to approach the appellate forum under Section 9A(1)(a) of the 1994 Act. The appeal shall be disposed of within the time limit specified under the 2nd proviso of Section 9A(1) i.e. within three months from the date on which that appeal has been made. The petitioner shall be at liberty of seeking any form of protection as the petitioner may be advised under the 1995 Rules before the Appellate Authority.

(**Moushumi Bhattacharya, J.**)