

13.04.2023
Item No.34
gd/ssd

MAT/574/2023
IA NO: CAN/1/2023
SUBHAJIT MANDAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Debabrata Saha Roy,
Sk. Imtiaj uddin
..for the Appellant.

1. Heard Mr. Debabrata Saha Roy, learned Advocate for the appellant.
2. The respondents have been served. Affidavit of service has been filed.
3. The legal issue involved in this case is whether the 3rd respondent, namely, the Sub-Divisional Officer, Diamond Harbour could have cancelled the Scheduled Tribe Community Certificate issued to the appellant. In terms of the decision of the Hon'ble Supreme Court it is the State Vigilance Commission which would be the competent authority to enquire into the genuineness of the Caste certificate and thereafter come to the conclusion. There are several decisions on the point which have laid down the guidelines as to how the enquiry should be commenced and completed before an order cancelling the Caste certificate is passed. Since the primary ground raised by the appellant is on the ground of lack of jurisdiction of the 3rd respondent to

pass the impugned order, we find that the appellant has made out a prima facie case for entertaining this appeal.

4. Accordingly, the appeal is admitted and the order passed by the 3rd respondent dated 3rd February, 2023 cancelling the appellant's Caste certificate shall remain stayed till the disposal of this appeal.

5. Liberty to mention.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)