

05.06.2023

Item No.4

Ct. No.1

PG/KS

W.P.A.(P) 213 of 2023

Feku Chowdhury

Vs.

The State of West Bengal & Ors.

Mr. Robiul Islam.....for the petitioner

Mr. T.M. Siddique

Mr. Y. Singhifor the State

Mr. Kamalesh Bhattacharya

Mr. Prahlad Chandra Ghosh

Mr. Subir Hazra.....for the respondent nos.
19 & 20

Mr. Sufi Kamal

Mr. Shireen Hossain.....for the respondent nos.
11, 12, 13, 14, 16, 21,
31 and 32

1. By this writ petition, styled as a public interest litigation, the petitioner seeks for a blanket direction upon the respondents to conduct an inquiry into the caste certificate issued in favour of the respondent nos. 11 to 32, which, according to the petitioner, are fake caste certificates based on which they have secured employment in the Government.
2. The learned advocate for the petitioner submitted that one Mr. Ajoy Ghosh had filed a petition dated 18th November, 2021 under the Right to

Information Act, 2005 and he has received a reply from the Sub-Divisional Officer, Malda Sadar dated 2nd December, 2021 stating that no caste certificate has been issued in favour of Sri Utpalendu Kumar Mandal, who has been impleaded as the 31st respondent. Based on the said communication, the petitioner had submitted a representation, which has been despatched to the authorities only on 12th April, 2023 and without even waiting for a reasonable time for the authorities to look into the matter, the petitioner has rushed to this Court and seeks for issuance of a writ of mandamus.

3. In our considered view, the representation given by the petitioner is absolutely sketchy and no details have been furnished.
4. In any event, we cannot direct a roving inquiry to be conducted at the instance of the petitioner as it is well open to the authorities to always verify the genuineness of a caste certificate issued to any person for which purpose a direction is not required in a writ petition, that too by way of a public interest litigation.
5. Therefore, we are of the view that at this juncture, the prayer sought for cannot be granted. However, we grant liberty to the petitioner to approach the concerned authority

with other records and documents in support of his claim and for consideration of his representation and if the same is done, it is upto the authority to take into consideration the representation and act in accordance with law.

6. With the above observations, the writ petition stands disposed of.
7. No order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities..

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)