

16.03.2023
sayandeep
Sl. No. 05
Ct. No. 05

WPA 23151 of 2022

Sri Mrinmay Karmakar & Anr.
-Versus-
The State of West Bengal & Ors.

Mr. Chittopriya Ghosh
Mr. Samir Kumar Adhikari

.....for the petitioners

Mr. Rezaul Hossain

.....for the State

The petitioners are aggrieved by an order passed by the Appellate Authority on 24th May, 2022 upholding the order of the Sub-Divisional Officer dated 12th November, 2021 canceling the Caste Certificate of the petitioners.

The primary ground of challenge to the impugned order is that the signature of the authority in appeal is of a Presiding Officer-cum-Backward Classes Welfare Department which does not have jurisdiction to pass the order. Counsel relies Section 7G(1)(a) of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995.

The respondent is represented.

Learned counsel submits that the petitioners are using several Caste Certificates which cannot be permitted.

Upon hearing learned counsel appearing for the parties, this Court is not inclined to go into the merits of the matter. However, it is evident that the Authority which has passed the impugned order dated 24th May,

2022 is not the designated authority under Section 7G(1)(a) of the Rules which prescribes the District Magistrate or the Additional District Magistrate authorized by the District Magistrate as the authority to hear an appeal against any cancellation of a certificate by the certifying authority.

WPA 23151 of 2022 is accordingly disposed of by quashing the impugned order dated 24th May, 2022. The prescribed authority under Section 7G(1)(a) of the 1995 Rules shall reconsider the case and pass a fresh order within four weeks from today. The procedure under the Act and Rules shall be followed by the authority.

All the points shall be kept open for consideration.

(Moushumi Bhattacharya, J.)