

AD-17
Ct No.09
16.10.2023
TN

WPA No. 24879 of 2023

Basudeb Mahato
Vs.
The State of West Bengal and others

Mr. Kamalesh Bhattacharya,
Mr. Prahlad Chandra Ghosh,
Mr. Subir Hazra

.... for the petitioner

Mr. Suman Dey,
Mr. Hemanta Kr. Das

.... for the State

1. Learned counsel for the petitioner contends that the petitioner's ST (Scheduled Tribe) certificate was cancelled by the SDO. Being aggrieved, a writ petition was preferred where an order was passed granting liberty to the petitioner to approach the Appellate Authority which was done by the petitioner. Subsequently, the Appellate Authority directed that the P.O-cum-D.W.O. BCW&TD, Murshidabad to refer the matter in accordance with principles and spirit as envisaged in the provisions quoted therein to the Scrutiny Committee for proper direction. If the Scrutiny Committee is satisfied that the certificate under the said Act has been obtained by any persons by furnishing any false information or

representation of any fact or suppression of material information or producing any document which is an act of forgery, it was directed that it may issue a direction to the Certificate Issuing Authority to cancel, impound or revoke such certificate and, on receipt of such direction, the Certificate Issuing Authority shall, by order in writing, cancel, impound or revoke such certificate. The Appellate Authority further observed that until then, there shall be stay order over the execution of the impugned order of the Sub-Divisional Officer cancelling the petitioner's ST certificate.

- 2.** However, subsequently, a fresh notice of hearing dated October 06, 2023 has been issued to the petitioner by the Additional District Magistrate (BCW), Murshidabad. It is argued that such further hearing is completely unnecessary and *de hors* the directions of the Appellate Authority.
- 3.** Heard learned counsel for the parties.
- 4.** The petitioner is justified in contending that no further hearing is necessary in view of the nature of the order of the Appellate Authority. The only exercise which remains to be undertaken is for the Scrutiny Committee to be satisfied in terms of the directions passed by the Appellate Authority

and thereafter take appropriate steps in consonance therein.

- 5.** Hence, WPA No. 24879 of 2023 is allowed, thereby setting aside the notice of hearing dated October 06, 2023 (Annexure P17 at page-90 of the writ petition).
- 6.** It is made clear that the order of the Appellate Authority shall now be complied with duly.
- 7.** There will be no order as to costs.
- 8.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)