

27.12.2023
Suppl. 1
Ct.No. 7
KB/Amalranjan

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 29212 of 2023

Goutam Kumar Sinha
Vs
The State of West Bengal and ors.

Mr. Prohlad Chandra Ghosh
Mr. Subir Kumar Hazra
...for the petitioner
Mr. Prasanta Kumar Giri
...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's caste certificate as a scheduled caste member was terminated by the SDO. First, the scheduled caste certificate granted to the petitioner in 1994 could not have been terminated after all the subsequent provisions came regarding other backward classes and the like. In any event, the SDO could not have terminated the certificate. It was for the committee in question as envisaged in Sub-Section 2 of Section 9 of the Act to have done so. More importantly, Rules 3 and 4 of the West Bengal Scheduled Castes Scheduled Tribes and Other Backward Classes Act, 1995 were given a complete go bye. No opportunity was

given to the petitioner to produce evidence in this regard.

Learned counsel appearing on behalf of the State relies on a decision of a Co-ordinate Bench of this Court in WPA 3579 of 2023 (Basudeb Mahato Vs. The State of West Bengal & Ors.) and submits that the writ petition may be disposed of in such terms.

Before a caste certificate could be cancelled by the SDO, the affected person is entitled to adduce evidence. Rules 3 and 4 of the 1995 Rules ought to be complied with.

In view of the above, the impugned order is set aside and the matter is remanded back to the Sub-Divisional Officer, Kharagpur, Paschim Medinipur to decide the issue afresh after giving an opportunity of hearing to the petitioner and upon abiding by the Rules 3 and 4 of the 1995 Rules.

With these observations, the writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Jay Sengupta,J.)