

Court No. 2

16.08.2023

(JPD 26)

(S. Banerjee)

Calcutta High Court
In the Circuit Bench at Jalpairuri
Appellate Side

W. P. No. 619 of 2019

Sankar Malakar
Vs.
The State of West Bengal & Ors.

Mr. Arijit Ghosh
Ms. Angana Dutta

... for the petitioner

This matter relates to cancellation of Schedule Caste certificate in respect of which one notification on behalf of the Governor dated 26th July, 2019 was issued which appears from Annexure P-6 of the writ application. The petitioner has challenged this cancellation. In the said gazette notification his name appears against serial no. 4. Before cancellation of the said certificate, the petitioner was granted several opportunities of hearing by appearing before the appropriate authority, as appears from Annexure P-4 at pages 130 and 131 of the writ application. The appropriate authority was Sub-Divisional Officer, Siliguri. The petitioner did not appear but wrote several letters for non-appearance on different grounds. Though the petitioner has stated by way of a letter of him dated 22.01.2019 (vide page 132) that one cancellation of certificate of Sri Molay Malakar was set at not by

way of a writ petition being WP No. 4641 of 2016, the cancellation of certificate of one Samrat was pending.

Mr. Arijit Ghosh, and Ms. Angna Dutta, learned advocates appearing for the petitioner has prayed for adjournment, which is not granted, could not produce any order of High Court against cancellation of the certificate of Samrat Malakar. However, while cancelling the certificate of the petitioner, he was granted several opportunities for defending his case which he did not avail. Therefore, rules of natural justice were fully followed by the authority having power to hear such matter and this court does not sit over appeal in respect of the order of the appropriate authority in cancelling the Schedule Caste certificate. I do not find any procedural illegality for which this court can interfere with the cancellation of Schedule Caste certificate of the petitioner.

Therefore, I dismiss this writ application.

No costs.

The interim order in respect of this matter is also vacated.

(Abhijit Gangopadhyay, J.)