

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5013 of 2021**

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Ashish Rajak Son of Late Raghuvir Rajak, Resident of 288 Kadam Gali,  
Tinpulwa, P.S.-Phulwari, P.O.-Phulwari, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Additional Secretary, General Administration Department, Government of Bihar, Patna.
4. The Secretary, Schedule Caste and Schedule Tribe Department, Government of Bihar, Patna.
5. The Schedule Caste Commission Patna through its Secretary.
6. Extremely Backward Caste Commission Patna, Daroga Rai, Patna, Government of Bihar through its Secretary.
7. The National Schedule Caste Commission, New Delhi through its Secretary.
8. The Schedule Caste Commission through its Secretary, 5th Floor, Lok Narayan Bhawan, New Delhi.
9. The Director (Administration) Government of India, Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, Shastri Bhawan, New Delhi.
10. Akhil Bhartiya Paan Mahasangh through its National President, Indrajit Prasad Gupta, having its registered office at 112, Gandhi Nagar, West Boring Canal Road, P.S.- S.K. Puri, District- Patna.
11. Indrajit Prasad Gupta son of Saryu Mistri resident of Village- Patuana, P.S.- Barhat, District- Jamui- 811313, National President, Akhil Bhartiya Paan Mahasangh.
12. Kusheshwar Das son of Akalu Das resident of Nirmala Sadan Azadpath, Saristabad, P.O. GPO, P.S. Gardanibagh, District- Patna- 800001, National working president, Akhil Bhartiya Paan Manasangh.
13. Ram Sakal Das son of Late Gonaur Das Resident of Village and P.O.- Thumma, P.S.- Runnisaidpur, District- Sitamarhi, State President, Akhil



Bhartiya Paan Manasangh.

14. Praveen Kumar Das S/o- late Ram Prasad Das R/o- Mohalla Bakerganj Kalamanch P.S. Kadamkuan, District- Patna.
15. Harindra Kumar S/o- Sri Prahlad Prasad resident of Pipra, Ward No. 25, Nagar Parishad, Narkatiaganj, District- West Champaran.
16. Rajeev Kumar Pan son of Sri Shailesh Kumar resident of Mogal Kuan, P.S.- Sohsarai, District- Nalanda.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Dinu Kumar, Advocate<br>Ms. Ritika Rani, Advocate |
| For the Respondent/s | : | Mr. P.K. Shahi, A.G.                                  |
| For the State        | : | Mr. Saroj Kumar Sharma, Advocate                      |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 09-09-2024**

The petitioner was aggrieved with a notification by which the Government of Bihar had removed the “**Tanti-Tantwa**” caste from the list of Extremely Backward Classes on the ground that they were included within ‘**Pan/Sawasi**’ caste which was the Scheduled Caste.

2. The Hon’ble Supreme Court has already in **Civil Appeal No. 18802 of 2017 (Dr. Bhim Rao Ambedkar Vichar Manch Bihar, Patna vs. The State of Bihar & Ors.)** interfered with the action of the State Government finding a fraud on the Constitution since the list of Scheduled Castes published under Article 341 of the Constitution of India cannot



be tinkered with by the State Government. No addition to the list could have been made without a law enacted by the Parliament; was the finding.

3. Learned Advocate General also submits that the Supreme Court judgment has been implemented. In such circumstances, we are of the opinion that the writ petition itself is unnecessary. In such circumstances, we close the writ petition as infructuous.

**(K. Vinod Chandran, CJ)**

**( Partha Sarthy, J)**

Neha/-

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