

11.03.2024

Sl. 16

Ct.No. 24

Amalranjan

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19544 of 2023

West Bengal Scheduled Tribes Welfare Association
Vs.
Union of India and ors.

Mr. Pradip Saren

...for the petitioner

Mr. Sonal Sinha

Mr. Avishek Prashad

Ms. Srabosti Barai

...for the WBSEC

The petitioner is a society registered under the West Bengal Societies Registration Act, 1961. The Society looks after the interest of the scheduled tribe of the State.

The petitioner submits that there are certain candidates who contested Panchayat General Elections, 2023 relying upon the castes certificates issued in their favour describing them to be members of the scheduled tribe community.

The petitioner submits that the surname of the said persons suggests that they are not members of the scheduled tribes community.

In support of such submission, the petitioner relies upon various orders passed by this court.

The petitioner from time to time made several representations before the respondent authority for cancelling castes certificates issued in favour of those candidates. It has been submitted that the competent authority did cancel several such castes certificates which were issued relying upon false documents. The petitioner has given a list of the candidates at pages 9 and 10 of the writ petition.

It appears that from the documents annexed to the writ petition that the petitioner is yet to forward a comprehensive representation to the competent authority highlighting the issues.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to make comprehensive representation before the competent authority giving details of the candidates in whose favour scheduled tribe castes certificates has been issued.

Documents relied upon by the petitioner including the orders passed by this court shall be annexed with the representation to be filed before the competent authority.

In the event such representation is made, the competent authority shall consider the same in accordance with law after giving reasonable

opportunity of hearing to the respective parties and thereafter pass an order thereof.

A decision shall be taken at the earliest, but positively within a period of 8 weeks from the date of filing the representation.

Reasoned order shall be passed and communicated to all the parties. If any remedial measure is required to be taken, the same shall be adopted by the competent authority.

The writ petition stands disposed of.

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

(Amrita Sinha,J.)