

Item No.19
27.09.2024
Court. No. 9
GB

W.P.A. 25866 of 2022

Soumik Rana
Vs.
The State of West Bengal & Ors.

Mr. Ranjan Saha

...for the Petitioner.

Mr. Prantik Garai

...for the State.

1. The writ petition has been filed challenging an order dated September 29, 2022, passed by the Sub-Divisional Officer, Jhargram, Sadar and Caste Certificate issuing authority.
2. By the order impugned, the Schedule Caste Certificate of the petitioner was cancelled in terms of Rule 5 of the West Bengal Schedule Caste and Schedule Tribe Identification Rules, 1995 (hereinafter referred to as the 'said Rules'). The authority has come to the finding, upon an enquiry through proper agencies that, the petitioner's community had started using the caste as 'Lohar' after 1980. Various land documents were obtained which indicated that the community was either identified as 'Kamar' or 'Karmakar' and not as 'Lohar'. They randomly started using the identity 'Lohar' in order to obtain Schedule Caste Certificates.
3. It appears from the order that a proceeding was started for cancellation in terms of Rule 3 of the said Rules and the petitioner was asked to deposit his original Schedule Caste Certificate. The petitioner did not do so.

The petitioner was asked to show cause as to why his certificate should not be cancelled, but the petitioner did not reply. The petitioner was asked to appear before the authority for a hearing, but he remained absent. Another date of hearing was fixed by the authority, but the petitioner again remained absent.

4. Under such circumstances, the officer consulted the deeds prior to 1950 in which the name of the community was mentioned as 'Kamar'. The enquiry revealed that from 1980 onwards, the people in the community started using the caste as 'Lohar' in order to avail the Schedule Caste Certificates. For confirmation, several certified copies of land deeds were collected and the enquiry report was found to be in consonance with such allegation. The CS record of rights of various mouzas which were preserved in the record room, were also consulted. It was found that the said community was recorded as either 'Kamar' or 'Karmakar' or 'Astalohi Kamar'. The expression 'Lohar' was not found. Therefore, the certificate holder, that is, the petitioner was held to be either 'Kamar' or 'Karmakar' or 'Astalohi Karmakar'.
5. Under such circumstances, this Court does not find any procedural irregularity. Judicial review of the decision making process is not permissible in this case. The factual findings cannot be interfered with by this Court. The petitioner has a remedy of appeal. The petitioner

may avail of such remedy, in accordance with law. As the petitioner had filed this writ petition, the time spent in pursuing his remedy before this Court is exempted. The petitioner shall explain the delay in filing the appeal accordingly. The petitioner will be entitled to file his documents before the appellate authority within a week from date and the appellate authority shall pass a reasoned order upon hearing the petitioner and upon allowing the petitioner to inspect the documents and records on the basis of which such decision was arrived at by the first authority.

6. Accordingly, the writ petition is disposed of.
7. However, there will be no order as to costs.
8. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)