

30.10.2024
Sl. No.60
akd/AP

W. P. A. 26485 of 2024

[Joydip Majhi & Anr. -Vs- The State of West Bengal & Ors.]

Mr. Prahlad Chandra Ghosh
Mr. Subir Hazra

... .. for the petitioners

Mr. Vimal Kumar Shahi .. Id. A.G.P.
Mr. Jagabandhu Ray
Mr. Nikhil Gupta

... .. for the State

1. The order passed by the competent authority thereby rejecting the applications of the petitioners (Application Nos. STWB14042019/1237 & STWB14042019/1236 respectively) for grant of Scheduled Tribe status has been challenged in this case. It is stated that the father of the petitioners has been declared as a Scheduled Tribe member vide order of the competent authority, back in the year 1991. It is further stated that the petitioners have applied before the respondent-Block Development Officer, Hura, Purulia for Scheduled Tribe status. Allegedly the said respondent has rejected the prayer of the petitioners as above, without following the dictum of the statute as provided under Section 7D of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995.
2. Learned Advocate for the petitioners submits that no hearing was granted to the petitioners by the said respondent authority as per the mandatory statutory provision as above, before rejecting their applications as above.
3. The State is represented.
4. There is no material much less sufficient thereof, to suggest that the provisions made under Section 7D of the West

Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995 has been complied with by the respondent nos.3/4, while disposing of the prayer of the petitioners for grant of Scheduled Tribe status.

5. In view of such glaring violation of the mandatory statutory provision as above by providing opportunity of hearing to the petitioners, the impugned order of the respondent no.4 appears to be illegal and not maintainable.

6. Considering the above, the said order rejecting the prayer of the petitioners for grant of Scheduled Tribe status is set aside.

7. Let this writ petition be disposed of by directing the respondent no.3 to treat the writ petition as the representation of the writ petitioners and decide about grant of Scheduled Tribe status to the petitioners by following the statutory mandate. For this the petitioners shall be granted opportunity of hearing and the respondent no.3 shall finally decide upon the issue within a period of four weeks from the date of submission of a copy of the writ petition by the petitioners before it.

8. Let the writ petitioners file a copy of the writ petition along with a copy of this order before the office of the respondent no.3, immediately.

9. The writ petition is disposed of.

10. There shall be no order as to costs.

11. All parties shall act on a server copy of this order duly downloaded from the official *website* of this Court.

(Rai Chattopadhyay, J.)