

21.06.2024  
Item No.A2279  
Ct. No.15  
S.A.

**WPA 11314 of 2020  
with  
CAN 1 of 2023**

**Sagarika Mondal  
-vs-  
The State of West Bengal & Ors.**

Mr. Moniruzzaman  
...for the petitioner

The petitioner lodged a complaint before the Sub-Divisional Officer, Katwa, Purba Burdwan questioning the Scheduled Caste certificate issued in favour of respondent no.4. It is the case of the petitioner that respondent no.4 has the surname 'Karmakar' and, therefore, could not have been issued a Scheduled Caste certificate since the 'Karmakar' caste belongs to Other Backward Classes category.

It appears that by an order dated July 13, 2020, the said Sub-Divisional Officer rejected the case of the petitioner and upheld the Scheduled Caste certificate issued in favour of respondent no.4.

Mr. Moniruzzaman, learned advocate appearing for the petitioner submits that the authority in rejecting the case of the petitioner, did not comply with the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995 and also the guidelines dated July 27, 2015. He further submits that the relevant Sub-Divisional Officer proceeded on the wrong premise that the burden of

proof was upon the petitioner to prove that the Scheduled Caste certificate of respondent no.4 was ingenuine. He further submits that no show cause notice was issued or no procedure in terms of the aforesaid rules has been followed by the Sub-Divisional Officer in conducting the proceeding. He further submits that there was no evidence before the Sub-Divisional Authority to uphold the certificate of respondent no.4.

It is necessary to quote the relevant segment of West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995.

**“3. Procedure for cancellation, impounding or revocation of certificate –**

- (1) Whenever it appears to a certificate issuing authority on complaints by any person or suo motu that a person, in whose favour a Scheduled Caste or Scheduled Tribe certificate has been issued, does not belong to such caste or tribe, the certificate issuing authority shall hold a preliminary enquiry by itself or by any officer above the rank of Inspector of the Scheduled Castes and Tribes Welfare Department, as may be authorized by it in this behalf, and shall prima facie satisfy itself as to the truth or otherwise of the complaints as aforesaid, record the reasons of its satisfaction as to the truth or otherwise of the complaints and, if necessary, start proceedings for cancellations, impounding or*

*revocation of the certificate, as the case may be.*

*(2) Where any proceedings have been started under sub-rule (1), the certificate issuing authority shall, by written notice, ask the person holding the certificate to deposit the same, in original, in its office and, when a certificate has been so deposited, a receipt in favour of the person depositing the certificate shall be issued.*

*(3) The certificate issuing authority shall, then, issue a notice to the holder of the certificate to show cause within fifteen days or within a period of shorter duration as it may think fit, as to why the certificate issued in his favour shall not be cancelled, impounded or revoked on the grounds stated in the notice.*

*(4) (a) On the expiry of the period referred to in sub-rule (3), the certificate issuing authority shall fix a date of hearing of the case by notice to the complainant and the holder of the certificate, asking them to bring oral witness or documentary evidence against, or, as the case may be, in support of, the caste or the tribe identity of the holder of the certificate.*

*(b) A copy of the notice issued to the complainant, if any, and the holder of the certificate, shall be affixed to the notice board of the office of the certificate issuing authority for the information of the public.*

*(c) The service of any notice under these rules shall be governed by the provisions of the Code of Civil Procedure, 1908 (5 of 1908)."*

From the order dated July 13, 2020, passed by the Sub-Divisional Officer, Katwa, it appears that upon receipt of a complaint, he initiated a proceeding under Sub-Rule (1) of Rule 3 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995. The complaint was sent to the Block Development Officer, Ketugram-II, Development Block with a direction on him to enquire into the veracity of the allegation. The Inspector-in-Charge of Ketugram P.S. was also directed for submission of a factual report.

Upon consideration of the report, the Sub-Divisional Officer found that the Pradhan, Sitahati Gram Panchayat issued one sub-caste status certificate as 'Namasudra' in favour of respondent no.4. The enquiry report from the Additional Inspector, Backward Class Welfare, Ketugram-II Block and the local residents of Enayetpur and Benepara village under Sitahati Gram Panchayat had certified the sub-caste of respondent no.4 as 'Namasudra' which was duly countersigned by the Pradhan of the Panchayat and then by the Additional Inspector, Backward Class Welfare, Ketugram-II Block. The Sub-Divisional Officer was also of the view that the petitioner could not show or demonstrate that respondent no.4 does not belong to 'Namasudra' community.

The Sub-Divisional Officer also opined that surname 'Karmakar' does not necessarily mean that a person bearing it should belong to "OBC Karmakar" by caste as there have been instances where people of different sub-caste use same kind of surname and likewise people belonging to a particular sub-caste may use various types of surname.

I am of the view that in passing the impugned order dated July 13, 2020, the Sub-Divisional Officer has duly complied with the provisions of West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995. The findings of the Sub-Divisional Officer based on material evidence on record also cannot be interfered with by this court in exercise of constitutional writ jurisdiction. I find no merit in this application.

Accordingly, **WPA 11314 of 2020** is disposed of.

**CAN 1 of 2023** is also disposed of.

**(Kausik Chanda, J.)**