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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.**

223

**CWP-6661-2020 (O&M).
Date of Decision: 06.11.2024.**

RAJPAL

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

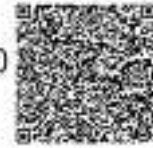
Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the instant petition is for directing respondents to consider the representation submitted whereby the inhabitant of Ahir Community belonging to backward class have illegally and unlawfully got prepared the changed certificate of Scheduled Caste Community by a wrong verification claiming themselves to be belonging to "Aheria Community".

2 Vide order dated 03.05.2023, the Deputy Commissioner, Karnal was directed to conduct a detailed inquiry into the fake/forged

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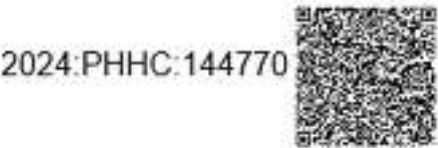


Scheduled Caste Certificates that had been issued in favour of the persons belonging to “Ahir Community” by categorizing them as “Aheria”.

3 Reply dated 13.08.2024 by way of affidavit of Uttam Singh, IAS, Deputy Commissioner, Karnal was filed wherein it is averred as under:-

4. That in compliance of aforesaid order, the predecessor of the deponent, vide memo No. 993-97/NC dated 20/04/2023 directed Additional Deputy Commissioner, Karnal and all Sub Divisional Officers (C.), in district Karnal to submit their detailed enquiry report qua the allegations leveled by the petitioner in his petition. Copy of memo No. 993-97/NC dated 20/04/2023 is annexed herewith as Annexure R-1 for kind perusal of this Hon'ble Court.

5. That consequently, all the officers in district Karnal submitted their detailed reports to the office of deponent. Sub Divisional Officer (C.), Karnal vide his report bearing memo No. 1991/PBS dated 18/08/2023 reported that in Tehsil Kamal, there are 34 certificates of Aheria caste have been issued and all the documents were found correct during enquiry. In Sub Tehsil Nighdu, there are 302 certificates of Aheria caste have been issued and all the documents were found correct during the enquiry. In Sub Tehsil Nissing, there are 275 certificates of Aheria caste have been issued and all the documents were found correct during enquiry. In Tehsil Nilokheri, there are 1601 certificates of Aheria caste have been issued and 1599 certificates have been found correct during the enquiry. However, 2 persons namely Balwan S/o Jinder Singh and Phool Singh s/o Doji Ram have been found who got issued fabricated/false certificate of Aheria community and he



directed Tehsildar, Nilokheri to take appropriate action against the delinquent officials and persons who were involved in procuring such false/fabricated certificates to these persons. He has also directed District Welfare Officer, Karnal to recover the grant of Rs. 46,000/- issued in favour of Phool Singh s/o Doji Ram, r/o Old Nilokheri under Mukhyamantri Vivah Shagun Yojna.

Above facts have been detailed as follows in tabular form for kind perusal of this Hon'ble Court:-

<i>Tehsil/ sub- tehsils</i>	<i>Total No. Aheria caste certificates issued and physically verified</i>	<i>No. of certificates found correct during verification</i>	<i>No. of certificates found fabricated during verification</i>	<i>Benefits availed, if any</i>	<i>Action taken</i>
<i>Karnal</i>	<i>34</i>	<i>34</i>	<i>0</i>	<i>Nil</i>	<i>Nil</i>
<i>Nighdu</i>	<i>302</i>	<i>302</i>	<i>0</i>	<i>Nil</i>	<i>Nil</i>
<i>Nissing</i>	<i>275</i>	<i>275</i>	<i>0</i>	<i>Nil</i>	<i>Nil</i>
<i>Nilokheri</i>	<i>1601</i>	<i>1599</i>	<i>2</i>		
				<i>1 person namely Phool Singh s/o Doji Ram r/o old Nilokheri got grant of Rs. 46,000/- under Mukhyamantri Vivah Shagun Yojna)</i>	<i>Tehsildar, Nilokheri has been directed to take appropriate legal action against delinquent officials and private persons in the matter. DWO, Karnal has also been directed to recover the grant amount and take action as per procedure.</i>

Copy of report of Sub Divisional Officer (C.), Karnal is annexed herewith as Annexure R-2 for kind perusal of this Hon'ble Court.

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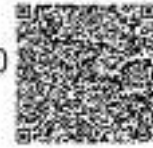
6. That Sub Divisional Officer (C.), Indri submitted his report vide memo No. 172/Reader dated 17/08/2023 reported therein that directions were issued to Tehsildar, Indri for physical verification regarding issuance of Aheria Caste certificates to the persons belong to Ahir community as alleged by the petitioner. Upon which, Tehsildar Indri conducted village wise enquiry in the matter. During the course of enquiry, in village Dhoomsi, 173 persons were found who got issued Ahir community certificates before 2016 and they produced record of their ancestral native place. On the basis of which, genealogy was prepared and it was found that all these persons originally belongs to Aheria community. Similarly, in village Dhungra, 24 persons were found who got issued Ahir community certificates before 2016. Out of which, 23 persons produced record of their ancestral native place. On the basis of which, genealogy was prepared and it was found that all these persons originally belongs to Aheria community. However, one person did not produce his relevant record qua the aforesaid enquiry and in revenue record, it was found that he belongs to Dhakpacha/Dhakpacha Ahir caste. In village Bhadson, 325 persons were found who got issued Ahir community certificates before 2016. Out of which, 141 persons produced record of their ancestral native place. On the basis of which, genealogy was prepared and it was found that all these persons originally belongs to Aheria community. However, 184 persons did not produce their relevant record. After that, revenue record was perused and as per revenue record, it was found that they belongs to Dhakpacha/Dhakpacha Ahir caste. During the course of enquiry, a total number of 185 persons were found to be Dhakpacha/Dhakpacha Ahir, but not Ahir and to clarify this

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fact, clarification was sought from Chairman, Haryana Vimukt Ghumantu Jaati Vikas Board, Chandigarh that whether Dhakpacha/Dhakpacha Ahir belongs to Ahir or Aheria. Upon which, Chairman, Haryana Vimukt Ghumantu Jaati Vikas Board, Chandigarh (established by Haryana Govt. vide notification No. No. 1312-SW(1)-2016 dated 20/10/2016) vide their letter memo No. HVGJVB-76 dated 17/08/2023 clarified that neither Dhakpacha considered as Ahir nor there is any mention of Dhakpacha in Ahir community and further clarified that whoever recorded as Dhakpacha in revenue record, originally belongs to Aheria caste and there is no relation of Roti-Beti between these two communities. It has also further clarified by the Sub Divisional Officer (C.) Indri in his report that earlier report submitted by him, in which one person namely Sonu s/o Arjun r/o village Bhadson was based on initial enquiry and genealogy was also not examined and clarification of Haryana Vimukt Ghumantu Jaati Vikas Board, Chandigarh was also not available at that time, but after receiving clarification from the Board, contention raised by Sonu that his predecessors were settled in Haryana from Uttar Pradesh and they got issued Ahir caste certificates, instead of Aheria caste certificate being illiterate; has been found correct. Thus, on the basis of clarification sought from Haryana Vimukt Ghumantu Jaati Vikas Board, Chandigarh, it can be said that Sonu s/o Arjun belongs to Aheria Community, who recorded as Dhakpacha Ahir in the revenue record. Copies of report of Sub Divisional Officer (C.), Indri and clarification sought from the Board are annexed herewith as Annexure R-3 & R-4 respectively for kind perusal of this Hon'ble Court.

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7. That Sub Divisional Officer (C.), Gharaunda submitted his report vide memo No. 129/MC dated 18/08/2023 reported therein that in verification only one certificate in the name of Shishpal s/o Harpal r/o village Kohand has been issued and he belongs to Aheria caste. Copy of report of Sub Divisional Officer (C.), Gharaunda is annexed herewith as Annexure R-5 for kind perusal of this Hon'ble Court.

8. That Sub Divisional Officer (C.), Assandh vide Memo No. dated 673/MC dated 28/04/2023 reported that no Aheria caste certificate has been issued in his sub division. Copy of report of Sub Divisional Officer (C.), Assandh is annexed herewith as Annexure R-6 for kind perusal of this Hon'ble Court.

9. That it is pertinent to submit here that, in compliance with the directions of this Hon'ble Court, the concerned Sub Divisional Officer (C.) has recommended appropriate action against individuals who do not belong to the Aheria caste. These recommendations have been duly forwarded to the respective Tehsildars and Naib Tehsildars. Action will be taken in accordance with established procedures against both the delinquent officials and private individuals in a timely manner. Additionally, grants received by one individual, namely Phool Singh, will be recovered from him in accordance with applicable rules and for the same District Welfare Officer (DWO), Karnal has been directed. Furthermore, it is submitted that this exercise is being conducted at the level of the concerned tehsils.”

4 In view of the aforesaid, as only two persons namely Balwan son of Jinder Singh and Phool Singh son of Doji Ram have been found to

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have obtained false certificates and appropriate action has already been taken, no further orders are required to be passed. The petitioner may, if he has any subsisting grievance with respect to the report issued/prepared by the authorities below may take recourse to appropriate remedies available to him in accordance with law.

5 The present petition is disposed of accordingly.

November 06, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*