

A-64
06.08.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 23837 of 2023

West Bengal Scheduled Tribe Welfare Association
Vs.
The State of West Bengal & Ors.

Mr. Pradip Saren.
Mr. Soumik Ghosh.
Ms. Saheli Hembrom.

...for the Petitioners.

Sk. Md. Galib.
Ms. Sujata Mukherjee.

... for the State.

1. The petitioner claims to be a registered association working for the welfare of the members of the Scheduled Tribes.
2. The petitioner alleges that several Scheduled Tribes Certificates are issued in favour of persons with the surname 'Mahata' which do not belong to the Scheduled Tribe. An objection was filed before the Sub Divisional Officer.
3. From the documents annexed to the writ petition, it appears that the Sub Divisional Officer was of the opinion that an enquiry is to be conducted by the appropriate authority to ascertain the caste or tribe status of the particular persons against whom allegations were made.

4. The petitioner prays for cancellation of reservation certificates issued in favour of Mahatas describing them to be members of the Scheduled Tribes.
5. Learned advocate representing the State respondents has obtained instruction from the Sub Divisional officer, Baruipur, 24 Parganas (South) dated 13th October, 2023 which mentions that the Sub Divisional Officer has requested the Additional District Magistrate (Development) to take fresh case study about the caste or tribe status of the inhabitants of the locality having surname 'Mahata'.
6. The objection of the petitioner is yet to be disposed of.
7. The instant writ petition is disposed of by directing the Backward Classes Welfare Department to conduct necessary enquiry to ascertain as to whether Mahatas can be treated as members of the Scheduled Tribes.
8. The enquiry shall be conducted upon giving reasonable opportunity of hearing to all necessary parties.
9. A decision shall be arrived at preferably within a period of six months from the date of communication of this order.
10. Report by the SDO, Baruipur, South 24-Parganas dated 13.10.2023 and copy of the field enquiry report of the Inspector BCW&TD dated 05.12.2022 be retained with the records.
11. The writ petition stands disposed of.
12. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)