

05.05.2025

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Ct.No.7
sdas

WPA 10944 of 2020

Manik Chandra Mahato

Vs.

State of West Bengal & Ors.

Mr. Debasis Sur

Mr. Goutam Sardar

Mr. Goutam Malik

.....for the petitioner

Ms. Munmun Tewary

Ms. Sanchayita De

..... for the State

The present writ petition has been preferred seeking a direction upon the concerned respondent to issue a Scheduled Tribe Certificate in favour of the petitioner.

The petitioner approached the Sub-Divisional Officer, Basirhat (hereinafter referred to as 'the SDO'), claiming to belong to a Scheduled Tribe community, specifically the Bhumij sub-caste. Pursuant to his application, an enquiry was initiated by the concerned SDO, and a report has since been submitted.

From the report submitted by the concerned SDO, it came to light that in a land deed bearing No. 6034 of 1972, the petitioner's father described himself as belonging to the sub-caste 'Chasha Kurmi'.

According to the respondents, 'Chasha Kurmi' is not recognized as a Scheduled Tribe in the State of West Bengal. Upon forming a prima facie opinion that the petitioner's representation constituted a criminal offence, the competent authority lodged a complaint. Pursuant to that complaint, an FIR bearing No. 358 dated 24.08.2013 was registered at Sandeshkhali Police Station under Sections 465, 466, 468, and 471 of the Indian Penal Code, and the investigation is currently ongoing.

Ms. Tewari, learned advocate appearing for the State respondents, has handed over written instructions and submits that the concerned Block Development Officer (hereinafter referred to as 'the BDO'), by Memorandum No. 1455/SDK-I dated 29th April, 2025, directed the petitioner to appear before him on 6th May, 2025.

Therefore, the investigation concerning the caste identity of the petitioner is still ongoing. However, in view of the pending investigation, the writ petition is disposed of with a direction to the concerned Sub-Divisional Officer (SDO) to bring the enquiry to its logical conclusion and to take an appropriate decision as to whether the petitioner is eligible to be identified as a member of the Scheduled Tribe community.

Needless to observe that if the SDO, upon completion of the enquiry, finds the petitioner eligible to be identified as a member of the Scheduled Tribe in the State of West Bengal, he shall issue the Scheduled Tribe Certificate in favour of the petitioner. However, if the petitioner is found ineligible, the SDO shall be at liberty to refuse the issuance of such certificate in accordance with Section 7 of the West Bengal Scheduled Caste and Scheduled Tribe (Identification) Act, 1994.

With this observation and order, the writ petition is, thus, disposed of.

There will be no order as to costs.

(Partha Sarathi Chatterjee, J.)