S/L 6
13.11.2026
Court. No. 25
suvayan

WPA 28458 of 2026

Debraj Biswas
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed
Ms. Ambiya Khatun
Ms. Reshma Khatoon

...for the petitioner.

Ms. Reshmi Ghosh
Mr. Ghanshyam Pandey

...for the State.

Mr. Rananeesh Guha Thakurta
Ms. Senjuti Sengupta
Mr. Pulin Ch. Maity

...for the respondent no. 5.

1. The petitioner has filed the present writ application challenging the order passed by the Sub-Divisional Officer, Ranaghat, Nadia dated May 27, 2026, wherein the Scheduled Tribe certificate issued to the petitioner dated April 23, 2012 is cancelled and the order passed by the appellate authority that is the Additional District Magistrate (Development), Nadia and the Appellate Authority under Rule 7G of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rule, 1995 dated August 24, 2026 wherein the appellate authority has affirmed the order passed by the Sub-Divisional Officer, Ranaghat, Nadia dated May 27, 2026.
2. Learned counsel appearing for the petitioner submits that on April 23, 2012 the Sub-Divisional Officer, Ranaghat, Nadia, West Bengal has issued the S.T. certificate to the petitioner but all of a sudden in February 23, 2026 a notice was issued to the petitioner

by the Sub-Divisional Officer by directing the petitioner to appear before the Officer on March 6, 2026 at 11.00 a.m. and directed to produce the original Scheduled Tribe certificate along with all other original documents. The petitioner had appeared before the Sub-Divisional Officer and submitted all the connected documents but the Sub-Divisional Officer come to the conclusion that the petitioner is not belongs to the Scheduled Tribe category and accordingly, the impugned order dated May 27, 2026 is passed by cancelling the Scheduled Tribe certificate issued to the petitioner. Being aggrieved with the said order, the petitioner preferred an appeal but failed.

3. Learned counsel appearing for the petitioner further submits that the father and uncle of the petitioner are also having the certificate of Scheduled Tribe category but the authorities failed to consider the petitioner belongs to the Scheduled Tribe category and has issued the impugned order. The petitioner submits that the Sub-Divisional Officer has issued the certificate in the year 2012 and after the period of 15 years, the Sub-Divisional Officer without assigning any reason and without referring the matter to the Scrutiny Committee to ascertain whether actually the petitioner belongs to the Schedule Tribe category or not has passed the impugned order.

4. Learned counsel for the petitioner relied upon the judgment in the case of ***Md. Mehedi Hossain & Ors. vs. State of West Bengal & Ors.*** reported in ***2026***

SCC OnLine Cal 13340 and submits that this Court by relying upon the judgment passed by the Division Bench of this Court as well as the Hon'ble Supreme Court has held that if the authority is of the view that the that the petitioner has obtained the Scheduled Tribe certificate but is not belongs to Scheduled Tribe category, the matter has to refer to the Scrutiny Committee who is the high power expert body but in the present case without referring the matter to the Scrutiny Committee, the Sub-Divisional Officer has passed the impugned order by cancelling the Scheduled Tribe certificate issued to the petitioner.

5. The petitioner further submits that on the basis of the order passed by the Sub-Divisional Officer which was affirmed by the appellate authority, the Registrar, Indian Institute of Technology, Kharagpur wherein the petitioner was working as Junior Assistant has issued the notice to show-cause as to why the service of the petitioner shall not be terminated.

6. Learned counsel appearing for the State respondents submits that the respondent authorities came to know that the petitioner has obtained the Scheduled Certificate though the petitioner is not belonging to the Scheduled Tribe category and accordingly notice of hearing was issued to the petitioner and the petitioner had appeared before the authority and opportunity of hearing was given to the petitioner but the petitioner failed to produce any document to sustain his claim that he belongs to the Scheduled Tribe category only he has

relied upon the certificate issued to his father and uncle and as such the authorities held that the petitioner is not belongs to the Scheduled Tribe category. Accordingly, the authorities have passed the order for cancellation of the certificate issued to the petitioner. He further submits that being aggrieved with the said order of the Sub-Divisional Officer, the petitioner has also preferred an appeal and the appellate authority also after hearing the petitioner and considering the documents finds that the order passed by the Sub-Divisional Officer sustainable and dismissed the appeal filed by the petitioner. He submits that the petitioner has already approached the appellate authority and the appellate authority already considered the grievance of the petitioner and as such the writ petition is liable to be dismissed.

7. Heard the learned counsel for the respective parties. Perused the materials on record and the judgment relied by the petitioner.

8. Admittedly in the year 2012 the competent authorities have issued the Scheduled Tribe certificate to the petitioner. It is also admitted that the father of the petitioner and the uncle of the petitioner were also holding the Scheduled Tribe certificate. The said Scheduled Tribe certificate was issued to the petitioner on the basis of the certificate issued to the father of the petitioner. The Sub-Divisional Officer after issuance of the notice has cancelled the certificate issued to the petitioner but under Sub-Section (1) of Section 8A

empowers the committee to verify the social status of a person in whose favour a certificate is issued under Section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994. Section 9(2) of the Act lays down that the committee may upon due enquiry direct cancellation of a Caste certificate procured upon false information, misrepresentation, suppression or forgery. Such provision, however, are not exhaustive of the powers of the committee. Sub-Section (3) of Section 8A provides for other powers of the said committee too. Clause (c) of Sub-Section 8A(3) of the Act empowers the committee to make an enquiry in connection with contravention of any provision of the said Act. Clause (e) thereof authorizes the committee to call for information from any person or authority for the purpose of satisfying itself whether there has been any contravention of any provisions of the Act or any Rule or order made thereunder and Clause (i) gives power to the committee to do such thing or act which are not in consistent with the provision of the law for the proper conduct of its functions which may appear to the committee to be necessary or expedient for the proper conduct of its function.

9. Powers vested in the committed under Clauses (c), (e) and (i) of Section 8A(3) are couched in the widest terms. It empowers the committee to enquire into contravention of any provision of the Act, to seek information from any person or authority in that regard and to perform such other thing or act which may be

necessary or expedient for exercise of its functions which are not in consistent with the Act. There is no express embargo/prohibition in the Act disentitling the committee from enquiring into illegal cancellation of Caste certificate by certificate issuing authority under Section 9(1) of the Act. Nor is an order of cancellation issued under Section 9(1) of the Act final unlike an appellate order of refusal of Caste certificate under Section 7(3) of the Act.

10. In the present case, admittedly the matter was not referred to the Scrutiny Committee by the Sub-Divisional Officer and of its own has cancelled the certificate issued to the petitioner after giving an opportunity of hearing to the petitioner.

11. This Court is of the view if the Sub-Divisional Officer was of the view that the petitioner is not entitled to have the tribal certificate issued to the petitioner in the year 2012, the Sub-Divisional Officer ought to have referred the matter to the Scrutiny Committee to enquire into the matter who is the expert body but the Sub-Divisional Officer as well as the appellate authority failed to consider the said aspect of the matter.

12. In view of the above, the impugned order passed by the Sub-Divisional Officer dated May 27, 2026 and the appellate authority dated August 24, 2026 are set aside and quashed.

13. However, this order will not prevent the Sub-Divisional Officer, if the Sub-Divisional Officer find that the petitioner is not entitled to get the tribal certificate, the

Sub-Divisional Officer shall refer the matter to the Scrutiny Committee and, if any, matter is referred to the Scrutiny Committee, the Committee shall consider the matter and to pass appropriate order in accordance with law after giving an opportunity of hearing to the petitioner.

14. WPA 28458 of 2026 is disposed of.

15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)