

**THE HIGH COURT OF TRIPURA
AGARTALA**

(1) WP(C) NO.387 OF 2013

Smt. Sremayee Debbarma,
daughter of Sri Pradyut Debbarma,
resident of Thakurpalli Road, Krishnanagar,
P.O. Agartala, P.S. West Agartala,
District-West Tripura,
PIN-799 001.

..... Petitioner

Advocate(s) for the petitioner:

Mr. S. Bhattacharjee, Mr. K. Nath

- Vs -

1. The State of Tripura,
to be represented by the
Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,
to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Member Secretary,
State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

4. The Member,
State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

5. The Director,
Printing & Stationary Department,
Government of Tripura, Agartala.

6. The Chairman,

State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Agartala,
PIN – 799 006).

7. Sri Sanat Kr. Pal,

Sub Inspector of Police,
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),
[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,
Secretariat Complex, Agartala,
PIN- 799 006.

..... Respondents

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(2) WP(C) NO.259 OF 2016

Smt. Bimala Debbarma,

wife of late Prabodh Debbarma,
resident of Officers' Quarters Lane, Krishnanagar,
P.O. Agartala, P.S. West Agartala,
District-West Tripura,
PIN- 799 001.

..... Petitioner

Advocate(s) for the petitioner:

Mr. S. Bhattacharjee, Mr. K. Nath

- Vs -

1. The State of Tripura,

to be represented by the
Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 010.

2. The State Level Scrutiny Committee,

to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,

P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Member Secretary,
State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

4. The Member,
State Level Scrutiny Committee,
(Director, Tribal Research Institution,
Government of Tripura, Agartala).

5. The Chairman,
State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Agartala,
PIN – 799 006).

..... *Respondents*

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(3) WP(C) NO.909 OF 2016

Smt. Sarmistha Debbarma,
daughter of Sri Tulsidas Debbarma,
resident of Thakurpalli Road, Krishnanagar,
P.O. Agartala, P.S. West Agartala,
District-West Tripura.

..... *Petitioner*

Advocate(s) for the petitioner:

Mr. P.K. Biswas, Sr. Adv., Mr. P. Majumder, Mr. S. Bhattacharjee, Mr. K. Nath

- *Vs* -

1. The State of Tripura,
to be represented by—
The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,
to be represented by its Member Secretary,

Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Chairman,
State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura).

4. The Member Secretary,
State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

5. The Member,
State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

6. The Director,
Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN- 799 006.

7. The Director,
Printing & Stationary Department,
Government of Tripura, Agartala.

8. The Sub-Divisional Magistrate,
O/O the Sub-Divisional Magistrate,
Kailashahar, Unakoti District.

9. The Director,
Animal Resource Development Department,
Government of Tripura,
Agartala, West Tripura.

10. Sri Sanat Kr. Pal,
Sub Inspector of Police(Vigilance),
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),
[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,

Fire Service Choumuhani, Agartala,
P.O. Agartala, West Tripura,
PIN- 799 001.

..... Respondents

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(4) WP(C) NO.924 OF 2016

Sri Sudip Debbarma,
son of late Durgadas Debbarma,
resident of Thakur Palli Road, Krishnanagar,
P.O. Agartala, P.S. West Agartala,
District-West Tripura.

..... Petitioner

Advocate(s) for the petitioner:

Mr. P.K. Biswas, Sr. Adv., Mr. P. Majumder, Mr. S. Bhattacharjee, Mr. K. Nath

- Vs -

1. The State of Tripura,
to be represented by—
The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,
to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Chairman,
State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura).

4. The Member Secretary,
State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

5. The Member,

State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

6. The Director,

Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN- 799 006.

7. The Director,

Printing & Stationary Department,
Government of Tripura, Agartala.

8. The Sub-Divisional Magistrate,

O/O the Sub-Divisional Magistrate,
Kailashahar, Unakoti District.

9. The Director,

Doordarshan Kendra, Agartala,
Arundhutinagar,
Agartala, West Tripura.

10. Sri Priyalal Majumder,

Inspector of Police(Vigilance),
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),
[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,
Fire Service Choumuhani, Agartala,
P.O. Agartala, West Tripura,
PIN- 799 001.

..... Respondents

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(5) WP(C) NO.1147 OF 2016

Sri Bidyut Debbarma,

son of Durgadas Debbarma,
resident of Thakur Palli Road, Krishnanagar,
P.O. Agartala, P.S. West Agartala,
District-West Tripura.

..... Petitioner

Advocate(s) for the petitioner:

Mr. S. Bhattacharjee, Mr. K. Nath

- vs -

1. The State of Tripura,

to be represented by—

The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,

to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Chairman,

State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura).

4. The Member Secretary,

State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

5. The Member,

State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

6. The Director,

Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN- 799 006.

7. The Director,

Printing & Stationary Department,
Government of Tripura, Agartala.

8. Sri Priyalal Majumder,

Inspector of Police(Vigilance),
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),

[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,
Fire Service Choumuhani, Agartala,
P.O. Agartala, West Tripura,
PIN- 799 001.

..... *Respondents*

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(6) WP(C) NO.1088 OF 2016

Sri Pradyut Debbarma,
son of late Durgadas Debbarma,
resident of Thakur Palli Road, Krishnanagar,
P.O. Agartala, P.S. West Agartala,
District-West Tripura.

..... *Petitioner*

Advocate(s) for the petitioner:

Mr. S. Bhattacharjee, Mr. K. Nath

- *Vs* -

1. The State of Tripura,
to be represented by—
The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,
to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Chairman,
State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura).

4. The Member Secretary,
State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),

Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

5. The Member,
State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

6. The Director,
Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN- 799 006.

7. The Director,
Printing & Stationary Department,
Government of Tripura, Agartala.

8. Sri Nandalal Debbarma,
Inspector of Police(Vigilance),
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),
[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,
Fire Service Choumuhani, Agartala,
P.O. Agartala, West Tripura,
PIN- 799 001.

..... Respondents

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(7) WP(C) NO.911 OF 2016

Sri Bikramjit Debbarma,
son of late Badal Debbarma,
resident of Dhaleswar Road No.1, Dhaleswar,
P.O. Dhaleswar, P.S. East Agartala,
District-West Tripura.

..... Petitioner

Advocate(s) for the petitioner:

Mr. P.K. Biswas, Sr. Adv., Mr. P. Majumder, Mr. S. Bhattacharjee, Mr. K. Nath

- Vs -

1. The State of Tripura,
to be represented by—
The Commissioner & Secretary,

Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,
to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Chairman,
State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura).

4. The Member Secretary,
State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

5. The Member,
State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

6. The Director,
Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN- 799 006.

7. The Director,
Printing & Stationary Department,
Government of Tripura, Agartala.

8. The Sub-Divisional Magistrate,
O/O the Sub-Divisional Magistrate,
Kailashahar, Unakoti District.

9. The Secretary,
Tripura Board of Secondary Education,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
Agartala, West Tripura.

10. Sri Nandalal Debbarma,
Inspector of Police(Vigilance),
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),
[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,
Fire Service Choumuhani, Agartala,
P.O. Agartala, West Tripura,
PIN- 799 001.

..... Respondents

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(8) WP(C) NO.949 OF 2016

Sri Rajendra Debbarma,
son of late Badal Debbarma,
R/O Dhaleswar Road No.1, Dhaleswar,
P.O. Dhaleswar, P.S. East Agartala,
District-West Tripura.

..... Petitioner

Advocate(s) for the petitioner:

Mr. S. Bhattacharjee, Mr. K. Nath

- Vs -

1. The State of Tripura,
to be represented by—
The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,
to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Chairman,
State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura).

4. The Member Secretary,
State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

5. The Member,
State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

6. The Director,
Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN- 799 006.

7. The Director,
Printing & Stationary Department,
Government of Tripura, Agartala.

8. The Sub-Divisional Magistrate,
O/O the Sub-Divisional Magistrate,
Kailashahar, Unakoti District.

9. The Engineering-in-Chief(R&B),
Public Works Department,
Government of Tripura,
Agartala, West Tripura.

10. Sri Subhash Chandra Bhattacharjee, ,
Sub Inspector of Police(Vigilance),
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),
[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,
Fire Service Choumuhani, Agartala,
P.O. Agartala, West Tripura,
PIN- 799 001.

..... Respondents

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(9) WP(C) NO.950 OF 2016

Smt. Madhumita Debbarma,
daughter of Kajal Debbarma,

resident of Dhaleswar Road No.1, Dhaleswar,
P.O. Dhaleswar, P.S. East Agartala,
District-West Tripura.

..... *Petitioner*

Advocate(s) for the petitioner:

Mr. S. Bhattacharjee, Mr. K. Nath

- *Vs* -

1. The State of Tripura,

to be represented by—

The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,

to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Chairman,

State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura).

4. The Member Secretary,

State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

5. The Member,

State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

6. The Director,

Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN- 799 006.

7. The Director,

Printing & Stationary Department,
Government of Tripura, Agartala.

8. The Sub-Divisional Magistrate,
O/O the Sub-Divisional Magistrate,
Sadar, West District.

9. Sri Himangshu Roy,
Sub-Inspector of Police(Vigilance),
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),
[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,
Fire Service Choumuhani, Agartala,
P.O. Agartala, West Tripura,
PIN- 799 001.

..... Respondents

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(10) WP(C) NO.1090 OF 2016

Sri Kajal Debbarma,
son of late Kalidas Debbarma,
resident of Dhaleswar Road No.1, Dhaleswar,
P.O. Dhaleswar, P.S. East Agartala,
District-West Tripura.

..... Petitioner

Advocate(s) for the petitioner:

Mr. S. Bhattacharjee, Mr. K. Nath

- Vs -

1. The State of Tripura,
to be represented by—
The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,
to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Chairman,
State Level Scrutiny Committee,

(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura).

4. The Member Secretary,
State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

5. The Member,
State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

6. The Director,
Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN- 799 006.

7. The Director,
Printing & Stationary Department,
Government of Tripura, Agartala.

8. The District Magistrate & Collector,
West Tripura, Agartala.

9. Sri Himangshu Roy,
Inspector of Police(Vigilance),
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),
[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,
Fire Service Choumuhani, Agartala,
P.O. Agartala, West Tripura,
PIN- 799 001.

..... Respondents

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(11) WP(C) NO.1154 OF 2016

Sri Sajal Debbarma,
son of late Kalidas Debbarma,
resident of Krishnanagar,
Thakurpally Road, Agartala,
P.O. Agartala, P.S. West Agartala,
District-West Tripura.

..... *Petitioner*

Advocate(s) for the petitioner:

Mr. S. Bhattacharjee, Mr. K. Nath

- *Vs* -

1. The State of Tripura,

to be represented by—

The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,

to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Chairman,

State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura).

4. The Member Secretary,

State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

5. The Member,

State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

6. The Director,

Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN- 799 006.

7. The Director,

Printing & Stationary Department,
Government of Tripura, Agartala.

8. The District Magistrate & Collector,

West Tripura, Agartala.

9. The Secretary,

Department of Health & Family Welfare,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

10. The Director of Health Services,

Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

11. Sri Priya Lal Majumder,

Inspector of Police(Vigilance),
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),
[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,
Fire Service Choumuhani, Agartala,
P.O. Agartala, West Tripura,
PIN- 799 001.

..... Respondents

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

(12) WP(C) NO.1070 OF 2016

Smt. Sabita Debbarma,

daughter of late Kalidas Debbarma,
resident of Thakur Palli Road, Krishnanagar,
P.O. Agartala, P.S. West Agartala,
District-West Tripura.

..... Petitioner

Advocate(s) for the petitioner:

Mr. S. Bhattacharjee, Mr. K. Nath

- Vs -

1. The State of Tripura,

to be represented by—

The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura,
Secretariat Complex, Kunjaban,
West Tripura, Agartala,
PIN-799 006.

2. The State Level Scrutiny Committee,

to be represented by its Member Secretary,
Director of Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN-799 006.

3. The Chairman,
State Level Scrutiny Committee,
(The Commissioner & Secretary,
Tribal Welfare Department,
Government of Tripura).

4. The Member Secretary,
State Level Scrutiny Committee,
(Director of Welfare for Scheduled Tribes,
Government of Tripura),
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN -799 006.

5. The Member,
State Level Scrutiny Committee,
(Director, Tribal Research Institute,
Government of Tripura, Agartala).

6. The Director,
Welfare for Scheduled Tribes,
Government of Tripura,
Pandit Nehru Complex, Gurkhabasti,
P.O. Kunjaban,
West Tripura, Agartala,
PIN- 799 006.

7. The Director,
Printing & Stationary Department,
Government of Tripura, Agartala.

8. The District Magistrate & Collector,
West Tripura, Agartala.

9. The Director,
Secondary Education,
Government of Tripura,
Agartala, West Tripura.

10. Sri Nandadulal Debbarma,
Inspector of Police(Vigilance),
O/O the Dy. Superintendent of Police
(Special Vigilance Cell),
[Notice to be served through the
Deputy Superintendent of Police(Special
Vigilance Cell)],
Government of Tripura,
Fire Service Choumuhani, Agartala,

P.O. Agartala, West Tripura,
PIN- 799 001.

..... Respondents

Advocate(s) for the respondents:

Mr. S. Deb, Sr. Advocate, Mr. S. Dutta

**BEFORE
THE HON'BLE MR. JUSTICE S. TALAPATRA**

Date of hearing : **02.06.2017**

Date of delivery of judgment and order : **31.10.2017**

Whether Fit for Reporting :

Yes	No
√	

JUDGMENT & ORDER

These writ petitions, being WP(C) No.387 of 2013[Smt. Sremayee Debbarma vs. State of Tripura & Ors.], WP(C) No.259 of 2016[Smt. Bimala Debbarma vs. State of Tripura & Ors.], WP(C) No.909 of 2016[Smt. Sarmistha Debbarma vs. State of Tripura & Ors.], WP(C) No.911 of 2016[Shri Bikramjit Debbarma vs. State of Tripura & Ors.], WP(C) No.924 of 2016[Shri Sudip Debbarma vs. State of Tripura & Ors.], WP(C) No.949 of 2016[Shri Rajendra Debbarma vs. State of Tripura & Ors.], WP(C) No.950 of 2016[Smt. Madhumita Debbarma vs. State of Tripura & Ors.], WP(C) No.1070 of 2016[Smt. Sabita Debbarma vs. State of Tripura & Ors.], WP(C) No.1088 of 2016[Shri Pradyut Debbarma vs. State of Tripura & Ors.], WP(C) No.1090 of 2016[Shri Kajal Debbarma vs. State of Tripura & Ors.], WP(C) No.1147 of 2016[Shri Bidyut Debbarma vs. State of Tripura & Ors.] and WP(C) No.1154 of 2016[Shri Sajal Debbarma vs. State of Tripura & Ors.] are consolidated for disposal

by a common judgment, inasmuch as all the writ petitioners have the common ancestor called Aswini Debbarma(since deceased) and the controversy as projected is in respect of determination of their status.

Moreover, the writ petitioners have adopted similar stand in the reply filed by them in response to the show cause notice issued by the State Level Scrutiny Committee(the SLSC, in short). Previously, when the SLSC cancelled the status certificate(ST certificate) of some of the writ petitioners, they had approached this Court by filing separate writ petitions. Alongwith some other writ petitions, their writ petitions were allowed by the common judgment and order dated 25.11.2013 by quashing the SLSC’s order by cancelling of the status certificate of those petitioners. Against that common judgment and order dated 25.11.2013 the State preferred writ appeals and the writ appeals were partly allowed by remanding the matters back to the SLSC. In a tabular form the writ petition and the writ appeal against the writ petitioners who had earlier approached this Court are provided as below:

Table-A

<i>Sl. No.</i>	<i>Present writ petition no.</i>	<i>Name of the writ petitioner</i>	<i>Previous writ petition no.</i>	<i>Writ appeal no. filed by the State against the common judgment and order passed in the previous writ petition</i>
1	2	3	4	5

1	WP(C) No.909 of 2016	Smt. Sarmistha Debbarma	WP(C) No.107 of 2006	WA No.15 of 2014
2	WP(C) No.911 of 2016	Sri Bikramjit Debbarma	WP(C) No.397 of 2006	WA No.9 of 2014
3	WP(C) No.924 of 2016	Sri Sudip Debbarma	WP(C) No.80 of 2006	WA No.19 of 2014
4	WP(C) No.949 of 2016	Sri Rajendra Debbarma	WP(C) No.289 of 2006	WA No.20 of 2014
5	WP(C) No.950 of 2016	Smt. Madhumita Debbarma	WP(C) No.81 of 2006	WA No.10 of 2014
6	WP(C) No.1070 of 2016	Smt. Sabita Debbarma	WP(C) No.94 of 2006	WA No.11 of 2014
7	WP(C) No.1088 of 2016	Sri Pradyut Debbarma	WP(C) No.82 of 2006	WA No.14 of 2014
8	WP(C) No.1090 of 2016	Sri Kajal Debbarma	WP(C) No.78 of 2006	WA No.23 of 2014
9	WP(C) No.1147 of 2016	Sri Bidyut Debbarma	WP(C) No.74 of 2006	WA No.16 of 2014
10	WP(C) No.1154 of 2016	Sri Sajal Debbarma	WP(C) No.75 of 2006	WA No.13 of 2014

The other writ petitioners did not file separate writ petition or against them no writ appeal was preferred by the State.

2. By the common judgment and order dated 25.11.2013 delivered in WP(C) No.74 of 2006, WP(C) No.75 of 2006, WP(C) No.78 of 2006, WP(C) No.80 of 2006, WP(C) No.81 of 2006, WP(C) No.82 of 2006, WP(C) No.94 of 2006, WP(C) No.95 of 2006, WP(C) No.289 of 2006, WP(C) No.402 of 2006, WP(C) No.404 of 2006, WP(C) No.409 of 2006, WP(C) No.428 of 2006, WP(C) No.465 of 2006, WP(C) No.397 of 2006, WP(C) No.106 of 2006 and WP(C) No.107 of 2006, the learned single Judge of this Court had occasion to observe as follows:

"38. In view of the discussions made above, I have no hesitation to hold that the impugned Orders cancelling Caste Certificates of the petitioners were passed without following the procedure prescribed and without affording opportunity to the petitioners to defend their claims and hence those impugned orders are liable to be set aside and quashed.

39. The contention of learned G.A. that the cases should be remanded to the Scrutiny Committee for decision afresh is not acceptable in the facts of the present cases at hand. It is upto the appropriate authority as to whether they should go for further verification of the Caste status of the petitioners or not. In the given facts and circumstances of the present cases, where the Caste Certificate of Santanu Debbarma has been held good by SLSC, so long that decision stands, the Caste Certificates of the petitioners belonging to the same clan cannot be categorized to have not genuine or that the petitioners do not belong to the Tribal community"

Based thereon, the orders of the SLSC cancelling the status certificate of those petitioners, whose names are appearing in the table above, were set aside and quashed.

3. Being aggrieved by the said decision of the learned single Judge, the State filed writ appeals. So far the writ petitioners who filed the writ petitions previously are concerned, the reference to the writ appeal has been shown against the previous writ petitions and the present writ petitions. By the common judgment and order dated 16.07.2015, the judgment and order passed by the learned single Judge was set aside. However, the Division Bench of this Court had refused to interfere with that part of the order of the

learned single Judge so far it quashed the orders of the SLSC by cancelling the status certificate of those petitioners. In the said common judgment dated 16.07.2015 passed in the writ appeals, the Division Bench of this Court had occasion to elaborately discuss with the provisions of law to observe as under:

"[12] We agree with the learned Single Judge that the order of the SLSC is a totally non-speaking order giving no reasons and therefore, the same is bound to be set aside.

[13] Not only that we find that the SLSC has not given reasonable opportunity to the petitioners to put forth their cases. Show cause notice was issued to the petitioners sometimes in December-2004. The dates may vary in different cases but the show cause notice was based on the basis of a verification report. It appears that that verification report was sent to the petitioners alongwith the notice. Thereafter in most of the cases the petitioners filed reply claiming that they were only supplied a copy of the inquiry report but not supplied the statements of the witnesses. It appears that SLSC thereafter supplied the statements of the witnesses recorded by the Inquiry Officer. Thereafter the petitioners submitted a fresh reply and prayed that they may be permitted to cross-examine the witnesses whose statements have been relied upon by the Inquiry Officer. This request was not accepted and the impugned order has been passed. Shockingly the impugned order does not even make reference to the request made by the petitioners. It does not even refer to the any portion of the statement of the witnesses.

[14] This Court has already observed hereinabove that the rules of natural justice must be observed. Cross-examination is a vital part of the process of natural justice. The statement of a witness recorded behind the

affected party cannot be used against that affected party without giving that party a right to cross-examine the said witness. By exercise of this right the affected party can challenge the veracity of the witness, his truthfulness, his creditworthiness etc. etc. Not only this, the SLSC must in every case give an opportunity to the affected party to lead its own evidence. Once the onus has shifted on the party to prove its caste/tribe in terms of Sub Section 8(11) of the Act, obviously the affected party will have to be given a right to produce evidence to prove the fact that it belongs to a particular caste or tribe. Even this procedure has not been followed.

[15] We are therefore, clearly of the view that the procedure followed by the SLSC was totally against the Act and the Rules and also the provision of natural justice.

[16] That brings us to the last contention. The learned Single Judge rejected the prayer of the State that the matter be remanded to the SLSC because the order had been set aside on the ground that the petitioners had not been given reasonable opportunity of being heard in the matter. This prayer was rejected by the learned Single Judge and one of the main grounds which weighed with him was that in some of the cases in the rejoinders filed, the petitioners had claimed that they belong to the same clan as one Sri Santunu Debbarma who had been held to be a member of the Tripuri community by the SLSC in an earlier matter.

[17] We are afraid that this is not sufficient ground not to accept the prayer of the State and here we are in respectful disagreement with the learned Single Judge. First of all this was not the case set up in all the petitions. This was an issue which was pleaded only in rejoinder and had not been pleaded in the writ petition. Therefore, it could not be accepted to be the gospel

truth. Furthermore, it is the SLSC which is the authority expected to give finding of fact and this findings of fact could not have recorded by the learned Single Judge without himself coming to the conclusion on the basis of material that the petitioners were in fact members of the same clan as Santunu Debbarma.

[18] We are not going into the merits of this claim. Some of the petitioners may be member of his clan and, therefore, may be entitled to take benefit of the fact that since Santunu Debbarma had been held to be a member of the Tripuri community and they being members of his clan are also entitled to same benefit. However, this matter shall have to be decided by the SLSC on the basis of the evidence led before it. The petitioners shall have to prove that they are not only members of the same clan as Sri Santunu Debbarma but also that they belong to the Tripuri community. The petitioners will be at liberty to prove that they are members of the clan of Santunu Debbarma. The petitioners will have to be given an opportunity to lead evidence and prove their claim and in case they lead evidence, the State shall also be entitled to lead evidence to prove the contrary.

[19] Therefore, though, we are in agreement with the learned Single Judge that the order of the SLSC was bound to be set aside, we are in respectful disagreement with regard to his finding that the matter should not be remanded to the SLSC. We, therefore allow the appeals of the State to this limited extent and remand all the cases to the SLSC who shall now proceed with the matter from the stage of the reply filed to the show cause notices. The SLSC shall permit the petitioners to cross-examine the witnesses examined by the Inquiry Officer. It shall also permit the petitioners to examine any witnesses, if they so desire or to produce any other documents. In case, the petitioners lead evidence then the State shall also be

given an opportunity to produce evidence to the contrary. This exercise must be completed on or before 28th February, 2016. All the petitioners are directed to appear before the SLSC on 12th August, 2015.”

4. The genesis of the impugned orders in this batch of the writ petitions whereby the status certificates of the writ petitioners have been cancelled has its roots in the said common judgment and order passed by the Division Bench of this Court. Hence, this Court has observed that there is not iota of dispute that all the writ petitioners have their common ancestor, namely Aswini Debbarma, and as such elaborate discussion of the projected case in each individual writ petition would lend to an exercise of repetition which for all purposes is avoidable.

At the beginning, if the name of the writ petitioners with their writ petition number, status certificate number and date, the date of show cause notice as issued to the individual writ petitioner after receipt of the inquiry report, the date of the reply filed by the each of the writ petitioner and the date and number of the order cancelling the said status certificate after the common judgment and order dated 16.07.2015, are arranged in a tabular form that will provide us a glimpse to the material information. Accordingly, those informations are provided in the table below:

Table-B

Name of the writ petitioner and number of writ petition	Status certificate number and date	Number and date of show cause notice issued to the writ petitioner	Date of reply of show cause	Date and number of cancellati on of status certificate
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1	2	3	4	5
Smt. Sremayee Debbarma WP(C) No.387 of 2013	NO.F.6(4)SDO/UDP /1678/1997 dated 27.06.1997(Annexure-P/1 to the writ petition)	No.12869/F.4(73)/TW/R.Cell/2006(P) dated 03.09.2007 (Annexure-P5 to the writ petition)	26.09.2007 (Annexure-P/7 to the writ petition)	24.05.2008 passed in the Enquiry Proceeding No.160 of 2007(Annexure-P/10 to the writ petition)
Smt. Bimala Debbarma WP(C) No.259 of 2016	No...../DM/GL/XVI-11/63 dated 21.05.1968(Annexure-P/1 to the writ petition)	Notice dated 22.02.2005 (Annexure-R-3 to the writ petition), Notice dated 17.03.2005(Annexure-R-4 to the writ petition) and public notice dated 09.12.2009 (Annexure-R-6 to the writ petition)		16.03.2011(Annexure-P/5 to the writ petition)
Smt. Sarmistha Debbarma WP(C) No.909 of 2016	No.367/SDO/KLS/TW/1987 dated 09.10.1987(Annexure-P/2 to the writ petition)	No.F.15679/F.4(73)/TW/R.Cell/2004 dated 17.12.2004(Annexure-P/7 to the writ petition)	Dated 12.08.2015(Annexure-P/14 to the writ petition)	Order dated 20.02.2016 (Annexure-P/30 to the writ petition), Order dated 18.04.2016 (Annexure-P/41 to the writ petition) and order dated 31.05.2015 passed in Enquiry Proceeding No.3 of 2004
Sri Bikramjit Debbarma WP(C) No.911 of 2016	No.33/SDO/KLS/TW/85 dated 20.02.1986 (Annexure-P/1 to the writ petition)	No.2037/F.4(73)/TW/R.Cell/2006(P) dated 29.04.2006 (Annexure-P/6 to the writ petition)	Dated 18.08.2006 (Annexure-P/7 to the writ petition)	Order dated 31.05.2015 delivered in Enquiry Proceeding No.92 of 2005(Annexure-P/10 to the writ petition)

				ure-P/48 to the writ petition)
Sri Sudip Debbarma WP(C) No.924 of 2016	No.24/SDO/KLS/TW/86 dated 07.02.1987 (Annexure-P/1 to the writ petition)	No.15671/F.4(73)/TW/R.Cell/2004 dated 7.12.2004 (Annexure-P/2 to the writ petition)	Dated 18.01.2005 (Annexure-P/3 to the writ petition)	Order dated 31.05.2016 delivered in Enquiry Proceeding No.23 of 2004(Annexure-P/39 collectively)
Sri Rajendra Debbarma WP(C) No.949 of 2016	No.30/SDO/KLS/ dated 22.03.1983 (Annexure-P/1 to the writ petition)	No.2037/F.4(73)/TW/R.Cell/2006(P) dated 29.04.2006 (Annexure-P/15 to the writ petition)	Dated 12.08.2015 (Annexure-P/20 to the writ petition)	Order dated 31.05.2016 delivered in Enquiry Proceeding No.94 of 2004(Annexure-P/52 to the writ petition)
Smt. Madhumita Debbarma WP(C) No.950 of 2016	NO.F.XII-2/SDO/SDR/TW/2003-2004/234 dated 14.10.2003 (Annexure-P/1 to the writ petition)	NO.6447/F.4(73)/TW/R.Cell/2004 dated 22.06.2005 (Annexure-P/5 to the writ petition)	Dated 18.07.2005 (Annexure-P/6 to the writ petition)	Order dated 31.05.2016 delivered in Enquiry Proceeding No.28 of 2005 (Annexure-P/41 collectively)
Smt. Sabita Debbarma WP(C) No.1070 of 2016	No.281/DM/GL/W/76 dated 27.03.1976 (Annexure-P/1 to the writ petition)	No.15643/F.4(73)/TW/R.Cell/2004 dated 17.12.2004 (Annexure-P/4 to the writ petition)	Dated 17.03.2005 (Annexure-P/7 to the writ petition)	Order dated 31.05.2016 delivered in Enquiry Proceeding No.17 of 2004 (Annexure-P/46 to the writ petition)
Sri Pradyut Debbarma WP(C) No.1088	No.F62/DM/GL/W/74 dated 20.01.1975	No.15669/F.4(73)/TW/R.Cell/2004 dated 17.12.2004 (Annexure-P/4 to the writ	Dated 17.03.2005 (Annexure-P/7 to the writ petition)	Order dated 31.05.2016 delivered in

of 2016	(Annexure-P/1 to the writ petition)	petition)		Enquiry Proceeding No.22 of 2004(Annexure-P/45 to the writ petition)
Sri Kajal Debbarma WP(C) No.1090 of 2016	No.396/DM/GL/W /72 dated 28.08.1972 (Annexure-P/1 to the writ petition)	No.15677/F.4(73)/TW/R.Cell/20 04 dated 17.12.2004 (Annexure-P/4 to the writ petition)	Dated17.03.2005 (Annexure-P/7 to the writ petition)	Order dated 31.05.2016 delivered in Enquiry Proceeding No.6 of 2004(Annexure-P/45 to the writ petition)
Sri Bidyut Debbarma WP(C) No.1147 of 2016	No.782/DM/GL/W /74 dated 26.06.2004 (Annexure-P/1 to the writ petition)	No.15645/F.4(73)/TW/R.Cell/20 04 dated 17.12.2004 (Annexure-P/4 to the writ petition)	Dated 17.03.2005 (Annexure-P/6(A) to the writ petition)	Order dated 31.05.2016 delivered in Enquiry Proceeding No.19 of 2004(Annexure-P/44 collectively)
Sri Sajal Debbarma WP(C) No.1154 of 2016	No.282/DM/GL/W /76 dated 29.03.1976 (Annexure-P/1 to the writ petition)	No.15044/F.4(73)/TW/R.Cell/20 04 dated 17.12.2004 (Annexure-P/4 to the writ petition)	Dated 15/17.03.2005 (Annexure-P/6 to the writ petition)	Order dated 31.05.2016 delivered in Enquiry Proceeding No.18 of 2004(Annexure-P/46 collectively)

5. Pursuant to the judgment and order dated 16.07.2015 in the said batch of writ appeals as shown in the table, the SLSC commenced a fresh enquiry on apparent compliance of the direction. From the scrutiny of the records what has surfaced is that there was no sustainable grievance in respect of the procedure. All

the petitioners were afforded with reasonable opportunities from the stage of filing of the reply to the show cause notice. The petitioners were permitted to cross-examine the witnesses examined by the inquiry officer. Thereafter, the SLSC passed the order of cancellation indicated in the column 5 of the Table-B above. From a scrutiny of the said orders, it would be further apparent that the orders are though almost identical but there are certain variations in respect of the specific plea and the supporting evidence and their appreciation. For that reason, the common reasonings as surfaced in those orders are noted as follows:

"(i)mere using of any title by one does not prove that the said person belongs to a particular community unless he actually follows or observes the basic traditional customs, rituals etc. of the particular community. In this regard language is also an integral part of the culture of a community. There is nothing in the examination –in –chief of any of the OPWs as to how OP or his family members or their predecessors observed their traditional customs, rituals, describing the mode of their marriage, death ceremonies, method of burial of dead bodies etc. so to decide their actual caste status. During cross examination of OP he deposed that he knows Kokborok language and he follows the culture of Tripuri community. But he failed to say the meaning of simple Kokborok words."

6. There is commonality in the orders as those hold that the petitioners do not belong to *Tripuri* community which is recognized as the Schedule Tribe in Tripura but they belong to *Deshi Tripuri(Laskar)* community and as such their status certificate has been cancelled by the SLSC.

For purpose of making reference to the evidence that has been laid by the individual petitioners, it is required that very briefly those materials are placed inasmuch as this Court would not re-appreciate those facts if no perversity or absence of evidence are demonstrated. In this regard, this Court is in agreement with the respondents that the onus of proving their status is only on the petitioners. They are to prove by substantive evidence that they do really belong to a community which is recognized as the Scheduled Tribe in Tripura inasmuch their status has been recorded by the questioned *status certificate*. Even, this Court had earlier remanded the matter back only after observing that "The petitioners shall have to prove that they are not only members of the same clan as Sri Santanu Debbarma but also that they belong to the Tripuri community." For that reason the SLSC was asked to give opportunity to the petitioners to lead evidence and to prove their claim. The State was also declared entitled to lead evidence to prove the contrary.

7. None of the writ petitioners could adduce Shri Santanu Debbarma as the witness to prove that Santanu Debbarma is a member of the same clan of the petitioners. No documentary

evidence showing that Santanu Debbarma is related to the petitioners has been adduced. The petitioners, however adduced some witnesses who stated that Santanu Debbarma is from the same clan, that of the petitioners. But the SLSC did not accept that unsubstantiated plea and passed the impugned orders. From each of the orders it would be apparent from the evidence that has been introduced by the petitioners.

8. Now, this Court would briefly record the pleas raised by the petitioners at the time of hearing against each of the writ petitions:

(i) WP(C) NO.924 OF 2016[SHRI SUDIP DEBBARMA vs. STATE OF TRIPURA & ORS.]

It has been recorded in the vigilance report that the forefathers of the petitioners migrated from Mogra of the then East Pakistan and there is not a single scrap of paper or any other document in support of their claim to the said status. According to the petitioners, the vigilance report was not in compliance with the Rule 7A(3) of the Tripura Scheduled Castes and Scheduled Tribes Reservation Rules, 1992 where it has been provided that *the Investigating Officer would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed. He should personally verify and collect all the facts of the social status claimed by the certificate holder or the parent or guardian, as the case may be. He should also examine the school*

records, birth registration, if any. He should also examine the parent, guardian or the certificate holder in relation to their caste etc. or such other persons who have knowledge of the community status of the certificate holder and submit a report to the Director of Vigilance who will verify the correctness of the report and transmit it to the Member Secretary of the Scrutiny Committee concerned together with all particulars as envisaged in the proforma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

It would be appropriate to observe that those are the flexible guidelines which may be followed by the vigilance officer. The words appearing in the said provision is 'would' or 'should' and therefore the vigilance officer keeping the said guidelines in the framework is entitled to devise its procedure. If it is shown that there was no investigation by the vigilance officer in the material facts, then of course, the very basis of the vigilance report shall be considered as unsustainable for purpose of launching an inquiry by the SLSC. Such consideration shall be made at the threshold. In this case, the SLSC provided a satisfactory foundation for launching the enquiry. The initiation of enquiry however was not challenged by any of the petitioners. The petitioner of this writ petition has categorically asserted that Nimai Debbarma, father of Santanu Debbarma and Aswini Debbarma, one of the forefathers of the

petitioners were blood relatives but the persons who were examined by the vigilance officer had stated that Nimai Debbarma was originally known as 'Nimai Laskar'.

The complainant, Jogesh Debbarma has stated that he did not know the petitioner and his family members personally but there was strong suspicion that the petitioner does not belong to *Tripuri* community. The petitioner has further stated that there is no evidence to dispute the status of the petitioner as a member of the Scheduled Tribe community. There is no evidence to establish that the petitioner had procured the ST certificate on misrepresentation of the facts. On the contrary, the petitioner has established his ST status relying on as many as 26 documents. According to the petitioner, there is no effective rebuttal in respect of the fact established through 39 documents introduced in support of the petitioner's ST status. No evidence has been laid to demonstrate that the petitioner had come of *Laskar* community. On the contrary, their forefathers were reflected as the members of *Tripuri* community.

The petitioner adduced one Subir Debbarma who has claimed to be an uncle of Santanu Debbarma and there is no denial that Subir Debbarma is not the uncle of Santanu Debbarma as asserted. In addition thereto, Sri Priyalal Majumder, in his cross-examination has stated that in the course of enquiry it was found that Nimai Debbarma and Aswini Debbarma were 'members of the same family'. Thereafter, another plea has been raised that the

inquiry by the SLSC was not completed by the time as stipulated by this Court *i.e.* 28.02.2016, as the SLSC could not deliver the judgment on or before 28.02.2016 and hence the final order dated 31.05.2016 has to be considered as 'manufactured'.

(ii) WP(C) NO.909 OF 2016[SMT. SARMISTHA DEBBARMA vs. STATE OF TRIPURA & ORS.]

The similar points and exactly the similar pleas were raised as raised in the WP(C) No.924 of 2016, but in addition thereto it has been urged that the SLSC is under obligation to prove that the persons whose status is under scrutiny have falsely obtained the status certificate. Since Shri Santanu Debbarma has been declared to be a member of the *Tripuri* community, the petitioner is entitled to be so declared being part of the same clan. Regarding the delivery of the final order, the similar plea has also been raised in this writ petition.

(iii) WP(C) NO.911 OF 2016[SHRI BIKRAMJIT DEBBARMA vs. STATE OF TRIPURA & ORS.]

Pleas as raised in WP(C) No.924 of 2016(*Sudip Debbarma vs. State of Tripura & Ors.*) are raised in this writ petition also. But in this writ petition the complainant was one Subi Debbarma and he has stated that he does not know the petitioner or his family members personally but there was a strong suspicion about the status of the petitioner that is the reason why he was persuaded to file the complaint for verification of the status certificate of the petitioner. The petitioner has also pointed out that three persons who were referred in the vigilance report did not face

the cross-examination and out of these three persons, two made a contrary statement on oath stating that they had no grievance against the ST status of the petitioner. In respect of the contention, which is part of the vigilance report that the petitioner belongs to *Deshi Tripuri* community(*Laskar*) not to a *Tripuri* community, there is no documentary evidence. There is no denial that Subir Debbarma is not the uncle of Santanu Debbarma since Subi Debbarma had stated that Santanu's father and the forefather of the petitioner, namely Aswini Debbarma were full blood brothers and they are from the same clan. In this writ petition also the plea has been taken for non-compliance of Section 7A(3) of the Tripura Scheduled Castes and Scheduled Tribes Reservation Rules, 1992. According to this petitioner, there was breach of the direction of this Court in completing the procedure before 28.02.2016 inasmuch as the final order was passed on 31.05.2016 and hence the said order cannot be sustained.

(iv) WP(C) NO.1086 OF 2016[SHRI PRADYUT DEBBARMA vs. STATE OF TRIPURA & ORS.]

The similar pleas, as raised in the aforestated writ petition were taken in this writ petition. According to the petitioner, the vigilance report did not conform to the requirement of Rule 7A(3) of the Tripura Scheduled Castes and Scheduled Tribes Rules, 1992. The statement made in the vigilance report that the forefathers of the petitioner migrated from Mogra of the then East Pakistan but there is not a single scrap of paper or any other document in respect of the said allegation. Here also the petitioner

has stated that Nimai Debbarma, father of Santanu Debbarma and the petitioner's forefather, namely Aswini Debbarma were '*blood relatives*' and as Shri Santanu Debbarma has been declared by the SLSC as the member of *Tripuri* community there cannot be the different result in respect of the petitioner. Shri Chitta Ranjan Debbarma who filed the complaint has stated in the enquiry that he does not know personally the petitioner and his father but there was a strong suspicion about the status of the petitioner and hence he had asked for verification of the status certificate.

This petitioner has also contended that the 27 documents and several witnesses were produced to establish his status as the member of the *Tripuri* community. Subir Debbarma has also deposed in this case and stated that he is the uncle of Shri Santanu Debbarma who had been declared on verification by the SLSC as the member of *Tripuri* community and his status certificate was declared valid. There is no denial to the claim of Shri Subir Debbarma *i.e.* the uncle of Santanu Debbarma and as such his statement ought to have been relied on by the SLSC. The persons whom the vigilance officer examined had also stated that Nimai Laskar(Nimai Debbarma) and Aswini Debbarma were the members of the same family. Thus the petitioner has discharged his burden meticulously and hence the finding in the final order dated 31.05.2016 is absolutely unsustainable. Moreover, the said order was issued in contravention of the direction of the High Court as contained in the said judgment passed in the writ appeal that the proceeding shall be completed by 28.02.2016, but the final order

was finally issued on 31.05.2016 and hence the said judgment cannot be sustained.

(v) WP(C) NO.1154 OF 2016[SHRI SAJAL DEBBARMA vs. STATE OF TRIPURA & ORS.]

The similar plea has been raised as raised in WP(C) No.1086 of 2016. True it is that the person who lodged the complaint, namely Bikash Debbarma has stated in the enquiry that he does not know the petitioner personally but his status certificate was under serious doubt. Accordingly, the SLSC was approached for verification of the status certificate. The petitioner has also stated that 8 persons on whom the vigilance officer has placed reliance for preparation of the report showing that the petitioner does not belong to the ST community have made the statements without any basis or the foundation of evidence. 29 documents and some witnesses as produced by the petitioner do not also indicate that the petitioner's forefathers were shown as the members of the *Laskar* community. Out of those eight persons who were cross-examined during the inquiry had stated that Nimai Debbarma and Aswini Debbarma were members of the same clan. According to the petitioner, he has placed the relevant evidence to establish his status as *Tripuri* community. The petitioner has also raised serious reservation about the way the vigilance officer made the report without following the prescription as provided under Rule 7A(3) of the Tripura Scheduled Castes and Scheduled Tribes Rules, 1992. Further there is a clear breach of the direction of this Court as stated. The SLSC has committed a serious error regarding the

finding based on which the status certificate of the petitioner has been cancelled.

(vi) WP(C) NO.1147 OF 2016[SHRI RAJENDRA DEBBARMA vs. STATE OF TRIPURA & ORS.]

The exactly same pleas were raised as raised in WP(C) No.924 of 2016 and as such no elaborate discussion is called for.

(vii) WP(C) NO.1070 OF 2016[SMT. SABITA DEBBARMA vs. STATE OF TRIPURA & ORS.]

The similar plea has been taken in this writ petition as has been taken by the petitioner of WP(C) No.924 of 2016. The same plea that Santanu Debbarma's father Nimai Debbarma and Aswini Debbarma were related. The said fact was also asserted by Shri Subir Debbarma. The plea as to the breach of Rule 7A(3) of the Tripura Scheduled Castes and Scheduled Tribes Rules, 1992 has been equally pressed in this writ petition. The similar ground of contravention of this Court's direction as to completion of the proceeding by 28.02.2016 has been raised. It has been also pointed out that the final order dated 31.05.2016 was purportedly passed but actually no copy could be given to the petitioner.

(viii) WP(C) NO.950 OF 2016[SMT. MADHUMITA DEBBARMA vs. STATE OF TRIPURA & ORS.]

The similar pleas have been raised and hence no elaborate discussion is required.

(ix) WP(C) NO.1090 OF 2016[SHRI KAJAL DEBBARMA vs. STATE OF TRIPURA & ORS.]

The similar pleas are reiterated by the petitioner. According to this petitioner also there was violation of the direction

of this Court in completing the proceeding by 28.02.2016. The final order was passed on 31.05.2016. Therefore, on the face of this regulation the final order passed by the SLSC is unsustainable. Even on 31.05.2016, the SLSC did not pass the final order. The SLSC later on 'manufactured' the said order.

(x) WP(C) NO.259 OF 2016[SMT. BIMALA DEBBARMA vs. STATE OF TRIPURA & ORS.]

She has also raised the similar pleas that Santanu Debbarma, son of Man Mohan Debbarma also belonged to the same clan of the petitioner. Man Mohan Debbarma alias Nimai Debbarma, the father of Santanu Debbarma and Aswini Debbarma, the father of the petitioner are the cousin brothers. She has further submitted that her status certificate has been cancelled by the SLSC most arbitrarily. She has however admitted that in the seniority list published by her Department in the year 2001 demonstrates that the petitioner does not belong to ST community. The petitioner has however stated that the entry made in the seniority list showing her belonging to UR category was not challenged by her over all these years. She has contended that since Santanu Debbarma has been declared to belong to the *Tripuri* community there cannot be any different result in her case because the family of Santanu Debbarma and the petitioner's are of the same clan. Thus, the petitioner has established her claim that she belonged to ST community and therefore the final order passed by the SLSC on 31.05.2016 is wholly erroneous and perverse.

(xi) WP(C) NO.949 OF 2016[SHRI RAJENDRA DEBBARMA vs. STATE OF TRIPURA & ORS.]

The petitioner has also raised the similar pleas but with some variation to relate the same with the fact, very unique in his case. The petitioner was appointed as the Junior Engineer in the year 1997 under the Public Works Department against the vacancies earmarked for the ST candidates but on complaint, the petitioner's status certificate by virtue of which the petitioner was appointed in the said category was put on for verification. Moreover, the two persons who stated to the vigilance officer that the petitioner belongs to *Laskar* community did not turn up before the SLSC and hence no value can be derived from their statements against the ST status of the petitioner.

In this case, the petitioner adduced 26 documents and produced witnesses. The SLSC could not give any reason why they have discarded those documents while verifying the ST status of the petitioner. The petitioner has asserted that he belongs to *Tripuri* community not to the *Deshi Tripuri* community(*Laskar*) which community used to get benefit of the Scheduled Tribe before 31.03.1990. Shri Subir Debbarma had also deposed in this case and stated that he is the uncle of Shri Santanu Debbarma and Santanu's father, namely Nimai Debbarma was related to the father of the petitioner. Documentary evidence has also been placed before the SLSC. In the cross-examination, the vigilance officer has stated that Nimai Debbarma and Aswini Debbarma were members of the same family. This petitioner has also raised the plea of

contravention of Rule 7A(3) of the Tripura Scheduled Castes and Scheduled Tribes Rules, 1992 and as such it has been asserted that the said report cannot be the valid foundation for cancellation of the status of the petitioner. According to the petitioner, the final order dated 31.05.2016 is a manufactured one and it cannot be sustained.

(xii) WP(C) NO.387 OF 2013[SMT. SREMayEE DEBBARMA vs. STATE OF TRIPURA & ORS.]

In this case, the petitioner had adopted the pleas raised in WP(C) No.1088 of 2016[Shri Pradyut Debbarma vs. State of Tripura & Ors.) inasmuch as Shri Pradyut Debbarma is her father.

9. Thus, the petitioner has raised the following grounds of objection against the impugned orders dated 31.05.2016:

(i) Contravention of Rule 7A(3) of the Tripura Scheduled Castes and Scheduled Tribes Rules, 1992 by the vigilance officer while framing his report, submitted to the SLSC, despite substantive evidence led by the petitioners showing that Santanu Debbarma and the descendents of Aswini Debbarma are from the same clan. The SLSC had discarded that evidence most whimsically and held that the petitioners belonged to the *Laskar* community.

(ii) The complainants had no personal knowledge about the petitioners.

(iii) The pre-1990 documents submitted by the petitioner showing that their ancestors belonged to the *Tripuri* community was not appreciated in the context but was mechanically discarded. The vigilance officer has stated that Nimai Debbarma and Aswini Debbarma are the members of the same family.

(iv) There had been violation of the direction of the judgment and order dated 16.07.2015 whereby this Court directed the SLSC to complete the inquiry by 28.02.2016 but the final order by the SLSC was passed on 31.05.2016. Even on that day no copy of the order was supplied to the petitioners. Till 21.06.2016 the SLSC did not pass any order, according to the petitioner. As such, no cognizance of such order shall be taken by the Court and consequentially, the said order shall be set aside.

10. The petitioner at the time of hearing submitted one family tree showing how Sashi Mohan Debbarma and Aswini Debbarma are related to each other, whereas Man Mohan Debbarma alias Nimai Debbarma being the son of Sashi Mohan Debbarma are related to the fathers of the petitioners. For purpose of reference, the family tree as produced before this Court is laid on making reference to the respective writ petitions.

It is to be noted that the said family tree is not authenticated by any means. It was merely prepared by the petitioners for projecting before this Court how each of the petitioners are related to the each other through their common ancestor, Aswini Debbarma, the son of one Laxmi Charan Debbarma, when Laxmi Charan Debbarma is the full-blood brother of Krishna Charan Debbarma, the ancestor of Santanu Debbarma(the non-witness) and Subir Debbarma(the witness).

It would be apparent that the SLSC has provided the petitioners adequate opportunity to lead evidence in support of their status as claimed. Similarly, there had been opportunity for cross-examination of those witnesses as relied by the vigilance officers.

11. Mr. P.K. Biswas, learned senior counsel, assisted by Mr. P. Majumder, learned counsel and Mr. Samarjit Bhattacharjee learned counsel appearing for the petitioners have advanced a common argument in terms of the grounds of objection as laid hereinbefore. Mr. Biswas, learned senior counsel has submitted the Rule 7A(3) of the Tripura Scheduled Castes and Scheduled Tribes Rules, 1992 is not a mere formality but it is a substantive procedure to be acted on strictly. But the investigation officer did visit the root of the ancestors of the petitioners, nor their schools for purpose of verifying the school records, birth registration, etc. In this regard, he has placed his reliance in ***Paritosh Patari v.***

State of Tripura & Ors. reported in **(2015) 2 TLR 798** where it has been held as under:-

"21. From the aforesaid rule, it is evident that the Investigating Officer before submitting his report to the SLSC has not only to visit the place from which the concerned person originally hails but he is also required to examine the school records, birth registration certificate and other documents. He is also required to examine the parents, guardian or other relatives of the certificate holder and after conducting these exercises and keeping into consideration their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc., he will give a prima facie report as to whether such person belongs to the Scheduled Caste or Scheduled Tribe or not."

12. Mr. P.K. Biswas, learned senior counsel, thereafter has placed reliance on a decision of the Apex Court in **Jamaat-E-Islami Hind v. Union of India** reported in **(1995) 1 SCC 428** to contend that if there is conflicting evidence before a Tribunal or administrative authority then the authority must assign reason for not accepting views favourable to the delinquent. Mr. Biswas, learned senior counsel has submitted that the Tribunal while striking the balance between the evidence as laid by the vigilance officer and the petitioner has committed a serious error by casually brushing aside the evidence, particularly the pre-1990 documents where the ancestors of the petitioners have been recorded as the member of the *Tripuri* community and those documents were placed before the enquiry following the procedure of law. That

apart, the evidence of Shri Subir Debbarma(OPW2) was not at all given value as it deserved. The said witness(OPW2) has clearly stated that Shri Nimai Debbarma(the father of Shri Santanu Debbarma) and himself are full-blood brothers being son of Sashi Mohan Debbarma(since deceased). He has further submitted that the Sashi Mohan Debbarma and Aswini Debbarma thus were the cousin brothers from the same family. This evidence of utmost relevance was completely ignored by the SLSC.

13. Mr. Biswas, learned senior counsel has further relied on a decision of the Apex Court in **Anand v. Committee for Scrutiny and Verification of Tribe Claims & Ors.** reported in **(2012) 1 SCC 113**. In **Anand** it has been observed on re-examining **Madhuri Patil & Anr. v. Addl. Commissioner, Tribal Development & Ors.** reported in **(1994) 6 SCC 241** as under:

"21. We are of the view that for the purpose of examining the caste claim under the Rules, the following observations of this Court in Madhuri Patil (supra), still hold the field: (SCC p.255, para 13).

"13.....The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste, etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the pro forma, in particular, of the Scheduled Tribes relating to their peculiar

anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies, etc. by the castes or tribes or tribal communities concerned, etc."

22. *It is manifest from the aforeextracted paragraph that the genuineness of a caste claim has to be considered not only on a thorough examination of the documents submitted in support of the claim but also on the affinity test, which would include the anthropological and ethnological traits, etc., of the applicant. However, it is neither feasible nor desirable to lay down an absolute rule, which could be applied mechanically to examine a caste claim. Nevertheless, we feel that the following broad parameters could be kept in view while dealing with a caste claim:*

(i) While dealing with documentary evidence, greater reliance may be placed on pre-Independence documents because they furnish a higher degree of probative value to the declaration of status of a caste, as compared to post-Independence documents. In case the applicant is the first generation ever to attend school, the availability of any documentary evidence becomes difficult, but that ipso facto does not call for the rejection of his claim. In fact, the mere fact that he is the first generation ever to attend school, some benefit of doubt in favour of the applicant may be given. Needless to add that in the event of a doubt on the credibility of a document, its veracity has to be tested on the basis of oral evidence, for which an opportunity has to be afforded to the applicant;

(ii) While applying the affinity test, which focuses on the ethnological connections with the Scheduled Tribe, a cautious approach has to be adopted. A few decades ago, when the tribes were somewhat

immune to the cultural development happening around them, the affinity test could serve as a determinative factor. However, with the migrations, modernisation and contact with other communities, these communities tend to develop and adopt new traits which may not essentially match with the traditional characteristics of the tribe. Hence, affinity test may not be regarded as a litmus test for establishing the link of the applicant with a Scheduled Tribe. Nevertheless, the claim by an applicant that he is a part of a Scheduled Tribe and is entitled to the benefit extended to that tribe, cannot per se be disregarded on the ground that his present traits do not match his tribes' peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies, etc. Thus, the affinity test may be used to corroborate the documentary evidence and should not be the sole criteria to reject a claim.

23. Needless to add that the burden of proving the caste claim is upon the applicant. He has to produce all the requisite documents in support of his claim. The Caste Scrutiny Committee merely performs the role of verification of the claim and therefore, can only scrutinise the documents and material produced by the applicant. In case the material produced by the applicant does not prove his claim, the Committee cannot gather evidence on its own to prove or disprove his claim.

24. Having examined the present case on the touchstone of the aforesaid broad parameters, we are of the opinion that the claim of the appellant has not been examined properly. We feel that the documentary evidence produced by the appellant in support of his claim had been lightly brushed aside by the Vigilance Officer as also by the Caste Scrutiny

Committee. Insofar as the High Court is concerned, it has rejected the claim solely on the basis of the affinity test. It is pertinent to note that some of these documents date back to the pre-Independence era, issued to appellant's grandfather and thus, hold great probative value as there can be no reason for suppression of facts to claim a non-existent benefit to the "Halbi" Scheduled Tribe at that point of time."

[Emphasis added]

14. From the other side, Mr. S. Deb, learned senior counsel, assisted by Mr. S. Dutta, learned counsel appearing for the respondents has submitted that the petitioners belong to *Deshi Tripuri* community which community was erroneously recognized as the ST till the Memorandum No.18887-19077/TW/6-4(L-D)/79 dated 28.04.1979(Annexure-R1 to the reply filed by the respondents in WP(C) No.1147 of 2016) was issued. For purpose of reference the entire text of the said Memorandum is extracted hereunder:

"MOST IMPORTANT

**GOVERNMENT OF TRIPURA
DEPARTMENT OF WELFARE FOR SCH. TRIBES & SCH. CASTES**

NO.18887-19077/TW/6-4(L-D)/79

**Dated, Agartala
The 28th April, 1979.**

M E M O R A N D U M

Subject:- Validity of Certificate issued by the Certificate issuing authorities of Tripura to the Member of the "Laskar Community" as Scheduled Tribe.

The undersigned is directed to say that after careful examination of the matter in consultation with the Law Department it has been decided that the Certificates issued by various authorities of Tripura to the "Laskar Community" as Scheduled Tribes are to be treated as infructuous.

Sd/- illegible
(K. Bhattachaerjya)
Deputy Secretary to the
Government of Tripura"

It has been clearly stated that the certificates issued by various authorities of Tripura to the Laskar community as Scheduled Tribe are to be treated as infructuous. The said decision of the Government as embodied in Memorandum dated 28.04.1979 was challenged in a representative writ petition before the Gauhati High Court and the said High Court by its judgment dated 18.03.1985 dismissed the writ petition holding that there is no proof that the *Laskar* community was ever included in the Presidential[Scheduled Tribe] Order, 1950. The Apex Court by the judgment dated 23.02.1990 passed in Civil Appeal No.479 of 1986[***Srish Kumar Choudhury v. State of Tripura & Ors., AIR 1990 SC 991***] dismissed the said appeal. In terms of the said judgment of the Apex Court, the State had issued a Memorandum No.38296-396/F.6-4(C-D)/TW/89 dated 31.03.1990 whereby it has been communicated to all concerned that the Apex Court has declared that the *Laskar* community is not a Scheduled Tribe in the State of Tripura. In terms of the Presidential Order issued in accordance with Article 342 of the Constitution of India, members of the *Laskar* community thenceforth will not constitute Scheduled Tribe and would not be eligible to draw any benefits as member of the Scheduled Tribe in the State of Tripura. However, the members of the *Laskar* community shall not be deprived of the benefits that they have already enjoyed having been treated as the Scheduled

Tribe in accordance with the orders issued by the Government of Tripura. Continuance of the benefits of the past will not however make them eligible for the benefits in the future. It was also declared by the said Memorandum dated 31.03.1990 that the said decision shall take immediate effect from the date of the issue.

15. Mr. Deb, learned senior counsel has submitted further that in terms of the judgment dated 16.07.2015 all opportunities were afforded to the petitioners. They cannot have any legitimate grievance in respect of the matter. Mr. Deb, learned senior counsel has submitted that the SLSC had accepted the vigilance officer's report and issued show cause notice to the petitioners for purpose of verification of their status. The petitioners were also asked to produce the evidence in support of their status.

16. Section 8(11) of the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 provides as under:-

"11. Onus of Proof:

When in any proceeding under this Act or the rules made there under the question is whether a person belongs to the Scheduled Caste or Scheduled Tribe, the onus of proof shall be on the person who claims himself to be member of the Scheduled Castes or the Scheduled Tribes, as the case may be.

[Emphasis added]

Mr. Deb, learned senior counsel has thus submitted that the complainant had suspected the status of the petitioners and filed the complaints. The complaints were investigated by the

vigilance officer who on the basis of the statements so recorded had submitted the report *prima facie* observing that the petitioners do not belong to the *Tripura* community. On the contrary, they belong to *Deshi Tripuri* community which is not recognized as the Scheduled Tribe in terms of the Presidential[Scheduled Tribe] Order, 1950 as issued under Article 342 of the Constitution of India. So far the allegations of not considering the documents, Mr. Deb, learned senior counsel has made two pronged submission, viz. all the documents and statements were properly appreciated by the SLSC and after such exercise they have clearly stated as follows:

"During cross-examination of O.P.W-2 it appeared that this witness did not submit any documentary proof in support of his contention made in para 4 of her examination in chief to the fact that Laxmicharan Debbarma, the great grandfather of O.P. and Krishnacharan Debbarma, the grand father of this witness were full blooded brothers. There is also no documentary proof that this witness is the grandson of Krishna Charan Debbarma and said Krishna Charan Debbarma is the full blooded brother of Laxmi Charan Debbarma, the great grandfather of OP. The PW-2 at the time of evidence produced an affidavit sworn before Notary Public at Agartala(Signature of the PW2 therein the affidavit has been exhibited as Ext.12 series) claiming himself and Monomohan Debbarma @ Nimai Debbarma to be the sons of Sri Sashi Mohan Debbarma and thereby claiming Santunu Debbarma to be his nephew has no value in the eye of law since the affidavit which he has submitted is only his verbal deposition in written form without any corroborative evidence. So, the statement of this witness made in his examination in chief not being

supported by any cogent document cannot be relied upon.

At the time of argument Ld. Counsel on behalf of the OP submitted that the PW-2 had admitted that Santanu Debbarma is related to the OP and as per Section 58 of Indian Evidence Act as the said is being admitted it need not be proved. We differ to that submission of the Ld. Counsel as Section 58 of Indian Evidence Act is related to admission of the parties or their agent. The Investigating Officer herein cannot be considered as agent of either SLSC or the Director of Tribal Welfare. It is a body constituted for the purpose of enquiry by Director of Vigilance as per Rule 7A(2) of the Tripura Scheduled Castes and Scheduled Tribes Reservation Rules 1992. Also Investigating Officer herein is not a person who knows the OP or his predecessor personally. What he has been stated in his deposition is based on statement of witnesses which he had recorded during his enquiry. We also find that in reply to the show cause submitted on 17.03.2005 the OP in para no.4(f) and 4(g) denied the said statement of Pharendra Chandra Debbarma and Narendra Chandra Deb by claiming that those statements are no statement and were not signed by them. We cannot rely upon a deposition of an enquiry officer as an admission, claiming the relation between predecessor of Santanu Debbama and the predecessor of the OP on the basis of two statement of witnesses who did not appear before the SLSC and whose statement has been denied by the OP himself in his reply to the show cause notice.”

It has been further observed that—

"Therefore, the plea taken by the OP that Sri Santanu Debbarma who had been held to be a member of the Tripuri Community is his relative is not proved by any documentary evidence. The OP also failed to prove by any documentary evidence that he is a member of the same clan as Sri Santanu Debbarma."

17. Mr. Deb, learned senior counsel has further submitted that this observation is legally formed and as such no intervention is called for in respect of the final order dated 31.05.2016. It may also be noted that Mr. Deb, learned senior counsel has taken this Court to the matrix of fact of each of the case to show that the status certificate of the some member of the clan of Aswini Debbarma was earlier cancelled and they had preferred not to go for any further action in this regard. Even one of the petitioners in this batch of the writ petitions, Smt. Bimala Debbarma had been shown not to be the member of the Scheduled Tribe community while publishing the seniority list of UDC, WR and PHE including the Department of Power. It is revealed from the evidence of OPW1 that she has been treated as the member of the *Laskar* community and categorized as UR(General). So this document also was a very vital document to show that by not taking any action, the said petitioner has acquiesced to the said action.

18. Having regard to the submissions made by the learned counsel for the parties and scrutinized the records so produced at

the outset this Court is persuaded to make two general statements for purpose of proceeding further.

Since the SLSC has enquired the status of the petitioners, they had to appreciate based on the fundamental principles of the enquiries as laid down, they had to primarily determine whether the petitioners are the members of the *Deshi Tripuri* community or *Tripuri* community or of variations by other nomenclature but is treated as the Scheduled Tribe in the State of Tripura. The Apex Court in ***Srish Kumar Choudhury v. State of Tripura & Ors*** reported in ***AIR 1990 SC 991*** has laid down the history of recognizing various tribes in the State of Tripura and returned the observation which reads as under:

".....A historical study of the claim would show that in the past Tripura/Tripuri/Tippera which have been included in the Presidential Notification never included the Laskar community. Tripuras were a Tibeto-Burman race akin to the Shah tribe and Tipperas were divided into four groups, namely (i) Puran or Original Tipperas (ii) Jamatias (iii) Noatias or Nutan Tripuras, and (iv) Riangs. Respondents relied upon Government records and official publications in support of-the aforesaid stand."

It has been finally observed in ***Srish Kumar Choudhury***(supra) that:

"The material relating to the Laskar tribe in 1930 or 1941 may not have been considered sufficient before the respective Orders were made for including the Laskars, said to have been covered by the description of Deshi Tripura. Therefore, even if

historically this tribe was covered by the general description of Tripura, that by itself may not justify its inclusion in the Order as a scheduled tribe. That is an additional feature which has weighed with us in taking our decision not to interfere in the matter."

19. Therefore, the pre-1990 documents wherever *Tripuri* community is recorded that may not be treated as the *Tripura/Tripuri/Tippera* as included in the Presidential[Scheduled Tribe] Order, 1950 as issued under Article 342 of the Constitution of India. Independently, the persons who would like to rely on those documents have to establish that they belong to the tribe as distinguished from the *Deshi Tripuri* in terms of the said judgment of the Apex Court. Therefore, those documents particularly in these cases when the issue is whether the status is of *Tripura, Tripuri or Tippera* or *Deshi Tripuri* or *Laskar* those documents cannot have much relevance as a proof for determining the status. Moreover, the appreciation of the documents under Article 226 of the Constitution of India against such administrative authority which were constituted for declaring someone's status is restrictive in nature.

20. In ***Madhuri Patil***(supra) the Apex Court has observed as under:

"15. The question then is whether the approach adopted by the High Court in not elaborately considering the case is vitiated by an error of law. High Court is not a court of appeal to appreciate the evidence. The Committee which is empowered to evaluate the evidence placed before it when records

a finding of fact, it ought to prevail unless found vitiated by judicial review of any High Court subject to limitations of interference with findings of fact. The Committee when considers all the material facts and records a finding, though another view, as a court of appeal may be possible, it is not a ground to reverse the findings. The court has to see whether the Committee considered all the relevant material placed before it or has not applied its mind to relevant facts which have led the Committee ultimately record the finding. Each case must be considered in the backdrop of its own facts."

[Emphasis added]

21. That apart on the aspects of the onus, the Apex Court in ***Director of Tribal Welfare, Government of A.P. v. Laveti Giri & Anr.*** reported in **(1995) 4 SCC 32** had an occasion to observe that burden of proof of social status is always on the person who professes to seek constitutional socio-economic advantages. It is no part of the duty of the State to disprove or otherwise.

This observation of the Apex Court has got its legal culmination in Section 8(11) of the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991. Now the question is whether the petitioners have discharged their burden proving that they belong to *Tripuri* community. Conversely what the petitioners are supposed to prove is that they belong to the particular community which are recognized by the Presidential[Scheduled Tribe] Order, 1950. In this regard, the petitioners have relied some old documents created before 1990, as already stated those

documentary evidence would not be of much relevance in view of the matter that they were recognized as *Deshi Tripuri(Laskar)* community till 31.03.1990. The other materials which the petitioners have laboured hard to lay in support of their status is that one Shri Santanu Debbarma has been verified and declared as a member of *Tripuri* community and his status certificate has been declared valid by the SLSC. The petitioners have tried to establish that Santanu Debbarma is related by blood and they are from the same clan as shown by the family tree but the SLSC has with cogent reasons discarded the said claim. This Court is of the considered opinion that there is no infirmity in the said reason inasmuch as all the documents were properly appreciated and then the said decision has been arrived at.

22. In a judicial review this Court cannot treat itself a court of appeal for appreciating afresh the evidence submitted by the petitioners. After scrutinizing the records this Court finds, the adequate opportunity was granted to the petitioners in compliance with the provisions as laid in Rule 7A(3) of the Tripura Scheduled Castes and Scheduled Tribes Reservation Rules, 1992. Hence, there is no procedural impropriety to hold the judgment and order dated 16.07.2015 vitiated. The petitioners were given adequate opportunities taking a quite liberal approach and they have also adduced the fresh evidence.

The question that has been succinctively raised that there was a breach of the provisions of Rule 7A(3) of the Tripura

Scheduled Castes and Scheduled Tribes Reservation Rules, 1992, in this regard a preliminary observation has already been made. The said rule has been framed flexibly and in the form of a guideline so that by its construction the innovative investigation is not hampered. In this regard, observation of the Apex Court in **Anand**(supra) may be referred to cull out true meaning and ambit of the said provision. Rather, the vigilance officer has been given liberty to devise his investigation keeping in mind those aspects as reflected in the said provision. The purpose of the vigilance investigation at this stage is to gather the *prima facie* materials. The SLSC has provided with authority to initiate or not to initiate enquiry on the complaint at the threshold after perusing the vigilance report. Only after due scrutiny of the vigilance report if materials are found, then the further inquiry is carried out by giving opportunities to the persons whose status certificate is under verification to lay evidence and to cross-examine the witnesses who are relied or examined by the vigilance officer. On culmination of the enquiry the final decision is taken.

At the threshold, so far these cases are concerned, the SLSC was satisfied that further enquiry is required and they put the complaint for further inquiry on the basis of the vigilance report. All the petitioners were from the clan of Aswini Debbarma(since deceased) and there is no dispute that the enquiry resulted in cancellation of the status certificate. By the final order dated 31.05.2016 the status certificates as noted in Table-A have been cancelled. This is the reason why again the petitioners have

approached this Court for setting aside the said order and restoring the status certificates of the petitioners.

This Court is constrained to observe that the petitioners have failed to prove their status as member of the *Tripuri* community which is recognized as the Scheduled Tribe by the Presidential[Scheduled Tribe] Order, 1950 and hence this Court does not find any merit in these writ petitions having perused reasons given by the SLSC[as reproduced] and accordingly those are dismissed. It is to be noted that if there were any violation of the direction of this Court having not passed the final order within the stipulated time it might invite contempt action, but that cannot by itself render the final decision invalid.

However, in the context of the cases there shall be no order as to cost.

JUDGE