

GAHC010173942024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4435/2024

DR. LAKSHYA DHAR DEKA
S/O- LATE BAPU RAM DEKA,
R/O- VILLAGE AND P.O- DADARA,
P.S- HAJO, DIST- KAMRUP, ASSAM, PIN-781104

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, WELFARE OF PLAIN TRIBES AND BACKWARD
CLASSES DEPARTMENT,
DISPUR, GUWAHATI-781006, ASSAM

2:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEPARTMENT

DISPUR
GUWAHATI-781006
ASSAM

3:THE DIRECTOR
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEPARTMENT

DISPUR
GUWAHATI-781006
ASSAM

4:THE DISTRICT COMMISSIONER
KAMRUP
AMINGAON
GUWAHATI

ASSAM
PIN-781039

5:RUBUL DAS
PRESIDENT
ANUSUCHIT JATI YUVA CHATRA PARISHAD

AMULYA RESIDENCY
2ND FLOOR
GANESH NAGAR ROAD
JYOTINAGAR
GANESH NAGAR
BAMUNIMADAM
GUWAHATI
ASSAM PIN-781021

6:GOLOK CHANDRA DAS
PRESIDENT
UTTAR KAMRUP ZILA ANUSUCHIT JATI PARISHAD
DAMDAMA

VILL- CHECHAMUKH
DIST- KAMRUP
ASSAM
PIN-78110

Advocate for the Petitioner : MR H DAS, D BARUAH

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 30/09/2024

Heard Mr. H. Das, learned counsel for the writ petitioner. Also heard Mr. D. Bora, learned Government Advocate, Assam as well as Ms. D. Jain, learned Standing Counsel, Social Justice and Empowerment Department, Assam, appearing for the official respondents.

The writ petitioner herein, belongs to SC category, has approached this Court seeking a declaration that the SC certificate issued to him is a genuine one.

According to Mr. Das, the petitioner has been prompted to approach this Court in view of the black-mailing carried out by the private respondent nos. 5 & 6 questioning his SC certificate which has posed serious inconvenience to his client.

After the decision of the Hon'ble Supreme Court rendered in the case of ***Kumari Madhuri Patil Vs. Additional Commissioner, Tribal Development and others*** reported in ***(1996) 6 SCC 241***, it is now settled that any controversy regarding genuineness of a caste certificate will have to be verified by the Scrutiny Committee constituted for the purpose.

If there is any doubt or dispute raised by any person against the caste certified held by the petitioner, the only authority to look into the matter, therefore, would be the Scrutiny Committee constituted in accordance with the law laid down in the case of ***Kumari Madhuri Patil (Supra)***.

Under the circumstances, this Court is of the opinion that there is no scope for this Court to entertain this writ petition. This writ petition is, therefore, disposed of by providing that in the event of any question being raised as regards the genuineness of the caste certificate held by the petitioner, he will be at liberty to seek remedy and defend his interest before the Scrutiny Committee, in accordance with law.

With the above observation, this writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant