

(2022) 11 OHC CK 0020
In the Orissa High Court
Case No : Writ Petition (C) No.24104 Of 2022

Baijanti Malik

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 02-11-2022

Acts Referred:

Odisha Scheduled Caste, Scheduled Tribe and Backward Classes (Regulation of issuance and verification of Caste Certificate) Act, 2011 — Section 7

Citation : (2022) 11 OHC CK 0020

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Anirudha Das, A. K. Nanda

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Das, learned advocate appears on behalf of petitioner and submits, his client's caste certificate was purported to be cancelled by impugned order dated 29th August, 2022 made by the Additional Tahasildar. He relies on section 7 in Odisha Scheduled Caste, Scheduled Tribe and Backward Classes (Regulation of issuance and verification of Caste Certificate) Act, 2011 to submit, only the Scrutiny Committee can cancel caste certificate. He relies on view of coordinate Bench by Judgment dated 20th May, 2022 in W.P.(C) no.3373 of 2022 (Namita Sagaria vs. State of Odisha and others) saying that the Act makes it clear, only Scrutiny Committee constituted under it has been empowered to verify genuineness of caste certificate.

2. Mr. Nanda, learned advocate, Additional Government Advocate appears on behalf of State.

3. Clear jurisdictional error committed by the Tahasildar is apparent. Said office could not have cancelled the caste certificate. As such, impugned order is set aside and quashed.

4. The writ petition is allowed and disposed of.

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