

(2023) 03 OHC CK 0138
In the Orissa High Court
Case No : Writ Petition (C) No.7961 Of 2023

Bimalini Nag

APPELLANT

Vs

Collector, Balangir And Others

RESPONDENT

Date of Decision : 21-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0138

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Sohan Mishra, Suman Pattanayak

Judgement

Arindam Sinha, J

1. Mr. Mishra, learned advocate appears on behalf of petitioner and submits, his client is Hindu. In year, 1989 she obtained social status certificate saying she belongs to scheduled caste 'Ganda'. She obtained job by reservation. He submits further, she married a Hindu.

2. There are conflicting entries in the record regarding, inter alia, grandfather, father of petitioner and others. Fact is that she belongs to the scheduled caste. Mr. Mishra refers to impugned order to submit, it is necessary for direction being issued upon the Collector to produce the record.

3. Ms. Pattanayak, learned advocate, Additional Government Advocate appears on behalf of State and submits, impugned order dated 10th November, 2022 should not be interfered with. Apart from entries in the record, the villagers have stated that petitioner performed all social functions like marriage, 21st day of new born child and last ritual of dead persons as per Christian traditions.

4. A paragraph from impugned order is reproduced below.

"Tahasildar, Balangir stated that, on verification of settlement RoR of Khata No.16 of mouza Kuthurla, PS No.72, under Balangir Tahasil, Dist-Balangir, it is seen that, the above Khata is recorded in the name of Ujal Nag, S/o- Late Dinabandhu

Nag, Caste Ganda Christian who is the grandfather of the appellant. The RI Kudasingha has conducted field enquiry in the presence of the villagers of Kuthurla and reported that, appellant is Christian by religion. So the SC status of the appellant is ceased and her SC certificate has been rejected w.e.f. 10.09.2021. Re-enquiry in the case was conducted by the RI, Kudasingha on dtd.28.06.2022 wherein the villagers have stated that, the appellant is staying at village Kuthurla since last 30 to 40 years and performing all the social functions like marriage, 21st day of new born child, last ritual of dead persons as per Christian traditions.”

(emphasis supplied)

5. Opposite party no.3 is directed to enquire and report by affidavit on the deceased relative of petitioner, regarding whom petitioner performed last ritual, whether the person was buried or cremated. The affidavit will be accepted on adjourned date, upon advance copy served.

6. List on 18th April, 2023. In event no affidavit is filed, adverse presumption is likely to be drawn.

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