

(1999) 01 SC CK 0004
In the Supreme Court Of India
Case No : Civil Appeal No. 437 of 1999

Gulzar Singh

APPELLANT

Vs

Sub-Divisional Magistrate and Another

RESPONDENT

Date of Decision : 22-01-1999

Acts Referred:

Citation : AIR 1999 SC 3803 : (1999) AIRSCW 3871 : (1999) 4 ALLMR 725 : (1999) 5 JT 216 : (1999) 3 SCC 107 : (1999) SCC(L&S) 613 : (1999) 10 Supreme 162

Hon'ble Judges : V. N. Khare, J;B. N. Kirpal, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Special leave granted.

2. The appellant had been issued a caste certificate on 10th October, 1988 in which it was inter alia stated that the appellant belongs to Majhbi Sikh Caste which was recognized as Scheduled Caste. The grievance of the appellant was restricted to the decision communicated to him by the Sub-Divisional Magistrate, Gurdaspur dated 3rd June, 1997 whereby the Certificate No. 9336 dated 10-10-1988 was cancelled. The said certificate was cancelled because of an enquiry, which was stated to have been conducted, it was found that the appellant belongs to the Christian community. The cancellation of the Scheduled Caste certificate was challenged by the appellant by filing a writ petition in the High Court. The High Court dismissed the same by observing as follows:

From the pleading of the parties it is crystal clear that an open enquiry was made with regard to the Scheduled Caste certificate issued to the petitioner and in the said enquiry petitioner was associated. On proper appraisal of all aspects of the case, it has been held that the petitioner is not Scheduled Caste but a Christian. That being so, we find nothing wrong in the Order vide which Scheduled Caste certificate issued to the petitioner has been cancelled.

3. It is clear from the facts on record that prior to the cancellation of the Scheduled Caste certificate by the impugned Order dated 3rd June, 1997 no show cause notice was issued to the appellant. It cannot be denied that with the issuance of Scheduled Caste certificate certain rights accrued to the appellant. If this certificate was to be cancelled on the basis of some enquiry which had been conducted by the department it was income bent on the department, keeping in view the principles of natural justice, to issue a show cause notice to the appellant requiring him to explain as to why the Scheduled Caste certificate which had been issued should not be cancelled. If there were statements of other persons which were recorded, as seem to have been done in the present case, on the basis of which the department came to the conclusion that the appellant was not Majhbi Singh by caste but was Christian, then fairness would require that the said statements should be put to the appellant before a final decision is taken.

4. In view of the fact that principles of natural justice were violated in the present case we allow this appeal, set aside the judgment of the High Court and quash the impugned Order passed on 3rd June, 1997 leaving it open to the respondent to take action in accordance with law. There will be no Order as to costs.