
(2005) 08 PAT CK 0048
In the Patna High Court
Case No : C.W.J.C. No. 26 of 2001

Jai Narayan Shah and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 11-08-2005

Acts Referred:

Citation : (2006) 3 BLJR 2282 : (2005) 3 PLJR 711

Hon'ble Judges : Barin Ghosh, J

Bench : Single Bench

Advocate : Y.V. Giri and Raju Giri, for the Appellant; Rajesh Kumar Singh, JC to AAG II, for the Respondent

Judgement

Barin Ghosh, J.—This writ petition is by nine writ petitioners. All of them sought issuance of Scheduled Tribe certificates in their favour. Each one of them contended that he belongs to Gond community. There is no dispute that the community known as "Gond" is a Scheduled Tribe community. There is also no dispute that the communities known as "Goad" or "Goud" and "Gonr" or "Gour" do not belong to Scheduled Tribe community. An attempt made by the State of Bihar to treat them equally has been struck down by the Central Government and the said decision of the Central Government has been upheld by a Division Bench of this Court.

2. In Hindi these communities are spelt as (sic) Each of the petitioners contended before the authorities concerned that it would be evidenced from the title deeds of ancient time obtained by their fathers or grand fathers that the father or the grand father of each of the petitioners belong to "Gond" community.

3. A learned Single Judge of this Court in Sumit Anand through his father Dr. Sunil Kumar Vs. The State of Bihar and Others, , has held that when in ancient documents and particularly in documents which were registered before the reservation laws were introduced, the Registrar has recorded the caste of a person in the document, such caste should be treated to be a declaration of the

caste of that person by the Registrar after making appropriate investigation for it was obligatory on the part of the Registrar to be satisfied as to the caste of such person. It was contended that in very many such ancient registered documents the Registrar has treated the fathers and grand fathers of the petitioners as "Gond" and accordingly the petitioners should be declared to be belonging to Scheduled Tribe community, and accordingly such caste certificates should be issued in their favour.

4. It has been contended in the writ petition that three certificates have been issued by the appropriate authority of the State where the petitioners have been accepted to be belonging to "Gond" community, but in the certificates they have been shown to be belonging to Extremely Backward Class community. In two of those certificates, as annexed to the writ petition, in English the word "Gond" has been written. At the same time, the Hindi version thereof has also been given. A look at the Hindi version would suggest that the same were not "Gond". The question therefore, arises how could then in English, the word "Gond" could be written. I looked at the originals of those certificates and to my mind, it appeared that the word "Gond" in English version was inserted subsequently. The person who was writing in Hindi "Gaud" would not write "Gond" while writing the same in English. Similarly I looked at the registered documents and found that the Registrar as well as the script writers recorded in the registered documents "Gaud" or "Gour" but not "Gond". In such view of the matter, it would not be possible for me to interfere in relation to those three certificates which have been issued. If the remaining applications of the petitioners have not yet been decided and no certificate in their favour has yet been issued, let the appropriate authority decide the fate of those applications in accordance with law.

This disposes of the writ petition.