

(2022) 11 OHC CK 0084
In the Orissa High Court
Case No : Writ Petition (C) No.19337 Of 2022

Jasobanta Gingira

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 10-11-2022

Acts Referred:

Constitution of India, 1950 — Article 341, 342

Citation : (2022) 11 OHC CK 0084

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : A. K. Nayak, A. K. Nanda, P. K. Parhi, J. Sahoo

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Nayak, learned advocate appears on behalf of petitioner and submits, his client challenges order dated 3rd March, 2020 rejecting his client's application for issuance of caste certificate, when others bearing surname 'Gingira' were issued certificates as belonging to caste 'Keuta'.
2. Mr. Parhi, learned advocate, Deputy Solicitor General along with Ms. Sahoo, learned advocate, Central Government Counsel appears on behalf of Union of India.
3. Mr. Nanda, learned advocate, Additional Government Advocate appears on behalf of State and relies on judgment of the Supreme Court in State of Maharashtra v. Milind and others, reported in (2001) 1 SCC 4 to submit, it has been held in paragraphs 15, 28 and 36 (1) that Courts cannot and should not expand jurisdiction to deal with the question as to whether a particular caste, sub-caste a group or part of tribe or sub-tribe is included in one of the entries mentioned in the Presidential Orders issued under articles 341 and 342 in the Constitution.

4. On query from Court regarding mention in impugned order that Tahasildar, Sohela has rejected petitioner's application on ground that caste of petitioner is 'Gingira' as reflected in M.S. Khata no.9 of Mouza-Kuchipali, recorded in the name of his father and others, Mr. Nayak prays for adjournment.

5. List on 24th November, 2022.

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