

(2000) 02 KAR CK 0099
In the Karnataka High Court
Case No : Writ Petition No. 27777 of 1995

Narasimha Gajanna Ankolekar

APPELLANT

Vs

The Deputy Commissioner, Karwar District and Others

RESPONDENT

Date of Decision : 23-02-2000

Acts Referred:

Constitution of India, 1950 — Article 162, 342

Citation : (2000) 2 KCCR 1521

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : K.N. Mahabaleswara Rao, for the Appellant; V.K. Narayanaswamy, High Court Government Pleader for Respondents 1 to 3 and Tukaram S. Pai, for Respondent 4, for the Respondent

Final Decision : Allowed

Judgement

V. Gopala Gowda, J.—The Petitioner secured appointment in the 4th Respondent-Syndicate Bank in reserved category by producing a caste certificate issued by the 2nd Respondent-Tahsildar as per Annexure-D to the effect that Petitioner belongs to Bhovi caste, which is notified as Scheduled Caste in the Notification at Annexure-A issued by the Government of India. The Bank received a complaint as per Annexure R-2 from the President, Dalit Sangharsh Samithi, Sirsi Taluk, on 20.6.1989 alleging that the Petitioner and others secured employment by producing false caste certificates. The Bank referred the same to the first Respondent-Deputy Commissioner seeking clarification. The first Respondent after examining the relevant documents, has informed the Bank under Annexure-F dated 14.7.1994 that in the documents since the Petitioner has been shown as belong to Bhovi caste and that since the synonyms and sub-castes of Bhovi mentioned in the Government Order at Annexure-E dated 27.3.1980 are not mentioned therein, it is not possible to validate the caste certificate produced by the Petitioner. Aggrieved by the same, the Petitioner has filed this writ petition seeking to quash the same.

2. Statement of objections are filed on behalf of Respondents 1 to 3 justifying the impugned order. In the statement of objections filed on behalf of the 4th Respondent-Bank, the way in which the Petitioner has procured the false caste certificate is mentioned and it is stated that if a caste certificate is questioned, the matter will have to be referred to the Caste Verification Committee.
3. The short point for consideration is, whether the Deputy Commissioner was empowered to clarify the validity of a Caste Certificate on the basis of the complaint referred to him by the Bank?
4. In the prescribed form of Caste Certificate, the list of authorities empowered to issue the certificate of verification are mentioned. It includes revenue officers not below the rank of Tahsildar. In the instant case, admittedly the Caste Certificate in favour of the Petitioner had been issued by the 2nd Respondent-Tahsildar. Therefore, the 4th Respondent-Bank should have referred the complaint received by them from the President of Dalit Sangharash Samithi to the Tahsildar who has issued the certificate and who had been authorised to do so and not to the Deputy Commissioner. The Deputy Commissioner was not competent either to consider the validity of caste certificate or to issue the impugned communication at Annexure-F. Therefore, the impugned communication is without the authority of law and the same is liable to be quashed.
5. In view of the law laid down by the Supreme Court, the State Government has no power for issuing the Government Order at Annexure-E exercising the power under Article 162 of the Constitution of India to treat the equivalent synonyms and sub-castes to the Scheduled Castes and Scheduled Tribes notified by the Government of India in the Presidential order in exercise of his power under Article 342 of the Constitution of India.
6. There is no application of mind by the Deputy Commissioner to the issue. He has wrongly interpreted the Government Order at Annexure-E. On this ground also the impugned order is liable to be quashed.
7. In view of the allegation made against the Petitioner that he has secured the employment by furnishing a false caste certificate on the basis of false information, it is proper to direct the 2nd Respondent to examine the matter to find-out the genuine caste of the Petitioner after affording opportunity to him.
8. Accordingly, the writ petition is allowed and the impugned order of the Deputy Commissioner at Annexure-F is quashed. The 2nd Respondent-Tahsildar is directed to enquire into the real caste of the Petitioner and pass appropriate orders after affording opportunity to the Petitioner.