
(2022) 12 OHC CK 0153
In the Orissa High Court
Case No : Writ Petition (C) No.17327 Of 2020

Ramakanta Nayak

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 19-12-2022

Acts Referred:

Citation : (2022) 12 OHC CK 0153

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Susanta Kumar Mishra, Suman Patnayak, Gautam Mishra

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Mishra, learned advocate appears on behalf of petitioner and submits, impugned is final order dated 13th November, 2019 made by the State Level Scrutiny Committee in Fake Caste Certificate (FCC) Case no.268 of 2010. By it the committee concluded that petitioner is Pano by caste and Christian by religion, therefore, covered under SEBC list of Odisha. By impugned order, inter alia cancellation and confiscation of petitioner's SC caste certificate was directed. He draws attention to annexure-2 in his client's rejoinder. Is carries order sheet of the Tahsildar. He refers to orders dated 6th August, 1982, 25th November, 1982 and 30th November, 1982 relating to issuance of the caste certificate to his client. He demonstrates from the orders that there was enquiry made by the Tahsildar, who had proceeded to Mahagudi and enquired into the matter from Bhidu Baliarsingh, Kopisa Sunamajhi and others of the village. He also draws attention, inter alia, to record in order dated 25th November, 1982, where the Tahsildar says that the Christian preacher of the village also stated that he (petitioner) and his family members are not Christians and they observe all rites and customs as per Hindu customs.

2. He relies on judgment of the Supreme Court in Dayaram v. Sudhir Batham

reported in (2012) 1 SCC 333, paragraph-36. Relied on passage extracted from the paragraph is reproduced below.

"36. xx xx xx If there were to be a legislation governing or regulating grant of caste certificates, and if caste certificates are issued after due and proper inquiry, such caste certificates will not call for verification by the scrutiny committees. xx xx xx"

He submits, there could not thereafter have been verification by the State Level Scrutiny Committee on the caste certificate having had been issued as per regulation by the Odisha Rules of 1980.

3. He draws attention to letter dated 1st October, 2011 from the Principal, Loyala School to petitioner, contents of which are reproduced below.

"Thank you for your letter dated 30.9.2011. In the admission from No.0543 of your son with Admission No.20/2002, there was no column for religion. However, in the Admission Register it was mentioned in the religion column as Christianity, which is a clerical error. As per your request this will be rectified.

4. Ms. Patnayak, learned advocate, Additional Government Advocate appears on behalf of State and Mr. G. Mishra, learned senior advocate appears on behalf of the insurance company, employer of petitioner. On query from Court they seek adjournment to demonstrate information brought before the State Level Scrutiny Committee, for it to have embarked on verification of the caste certificate, pursuant to directions made by the Supreme Court in Madhuri Patil v. Addl. Commissioner reported in AIR 1995 SC 94.

5. List on 9th January, 2023.

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