

(1985) 04 KAR CK 0002
In the Karnataka High Court
Case No : Writ Petition No. 13983 of 1978

Siddappa

APPELLANT

Vs

Karnataka Electricity Board

RESPONDENT

Date of Decision : 09-04-1985

Acts Referred:

Citation : (1985) ILR (Kar) 2439 : (1985) 2 KarLJ 196

Hon'ble Judges : Doddakale Gowda, J

Bench : Single Bench

Advocate : H. Subramanya Jois, for the Appellant; B.C. Prabhakar, for the Respondent

Final Decision : Dismissed

Judgement

Doddakale Gowda, J.—Petitioner is an applicant for recruitment as Assistant Engineer in the establishment of Karnataka Electricity Board-first respondent. In order to claim benefit of reservation made in favour of Scheduled Caste and Scheduled Tribes, he produced a certificate issued by Tahsildar, Kortagere, Kortagere Taluk, to the effect that he belonged to Beda Jangama (SC) recognised as Scheduled Caste. Both, Selection Authority and Appointing Authority, insisted for production of better particulars to establish that he belonged to Beda Jangama community. In that process, a good deal of correspondence has taken place between Petitioner and respondents ; Petitioner asserting that he belongs to Beda Jangark while respondents insisting for better particulars before taking him to service.

2. Being unsuccessful to get an order of posting, he has approached this Court to declare paragraph-2 of endorsement dated 18-11-1978 marked as Annexure-E and that portion of the Official Memorandum dated 4-12-1978 (Annexure-F) in so far as it has insisted production of better particulars of his caste as illegal and arbitrary and to issue a writ in the nature of mandamus directing respondents to take him to duty without insisting for production of fresh caste certificate or better particulars.

3. Scheduled Castes and Scheduled Tribes Orders Act, 1976 (Act No. 108 of 1976) while amending Scheduled Castes Order of 1950 issued by the President under Article 341 of the Constitution of India treated "Beda Jangama; Budga Jangama" as Scheduled Caste, listed at S1. No. 19 in enumeration of various castes considered as Scheduled Caste in Karnataka. In furtherance of this object, Commissioner and Secretary to Government, Social Welfare and Labour Department has issued a Circular, which reads thus :-

"The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 has come into force with effect from 27th July 1977 by the Government of India Notification No. BC-12016/34/76-SCT-V, dated 27th July 1977. According to the said Act the Caste "Beda Jangama", "Budga Jangama" is indicated at SI. No. 19 in the list of Scheduled Castes.

2. A clarification is sought whether the people belonging to Jangama, a sub-caste of the Lingayath (Veerashaiva) Community, could claim the concession and facilities afforded to the "Beda Jangama" and "Budga Jangama" declared as Scheduled Caste under the aforesaid Act.

3. It is also brought to the notice of the Government that the Officers authorised to issue caste certificates are giving caste certificates to the persons belonging to "Jangama" as belonging to Scheduled Caste which in fact is not a Scheduled Caste in accordance with the said Act.

4. With a view to prevent irregularity in the issue of Caste Certificates to persons other than those Scheduled in the above Act, Government direct that the Officers empowered to administer oaths and affirmations for purposes of affidavits and the Officers authorised to issue Caste Certificates should carefully verify the Castes and Tribes enumerated in the list of SCs, and STs., in the Act and ensure that the claimants really belong to the particular Caste and Tribes mentioned in the Act.

5. It is also clarified that the Caste "Jangama" which is a sub-caste of the Lingayath (Veerashaiva) community is not a caste declared as Scheduled Caste in the said Act. It is further clarified that the "Beda or Budga Jangama" is not a Section of Lingayath or Veerashaivas.

6. All the Officers concerned are required to follow scrupulously the above instructions failing which serious notice will be taken against the certain officers."

According to this Circular, Jangama is not the same as "Beda Jangama" treated as Scheduled Caste but "Jangama" is a sub-caste of Veerashaiva or Lingayath community. State having noticed that persons authorised to issue caste certificates are in discretely issuing certificates without noticing the difference that exists between "Beda Jangama" and "Jangama", thereby persons who are not eligible to avail of the benefit of reservation are claiming the benefit denying privilege of persons really belonging to that caste, has issued certain guide lines, particulars of which are required to be verified before issuing a certificate. "Beda

Jangama" caste is considered as Scheduled Caste by amended Act but not "Jangama". State Government familiar with existence of various castes, sub-sects and sub-castes in Karnataka has by Circular dated 22nd July 1978 has issued clarification to both Authorities issuing certificates as well as to Appointing Authorities to satisfy themselves with reference to particulars set out therein as to whether a candidate really belongs to "Beda Jangama", a caste treated as Scheduled Caste mentioned in amended Act or belongs to "Jangama" caste a sub-caste or sect of Lingayath or Veerashaiva community in order to prevent commission of fraud in securing appointment or admission, on the guise that "Jangama" caste is also treated as Scheduled Caste. It is in pursuance of this Circular, the Chief Engineer, Electricity Board, has issued impugned endorsement dated 18-11-1978 (Annexure-E) calling upon him to obtain a fresh certificate from Revenue Authorities indicating that he is a person belonging to Beda Jangama but not Jangama, a sub caste of Lingayath community. By Official Memorandum dated 4-12-1978, the Chief Engineer has informed, in case of failure to produce this certificate, or if it is revealed later on that a certificate produced is not genuine or false, appointment would be cancelled. If petitioner had produced required certificate/s there would not have been any necessity for the petitioner to approach this Court to seek relief in this form. One other salient factor to be noticed is nowhere in this petition, it is asserted that he does not belong to sub-caste or sect of Lingayath or Veerashaiva community but belongs to "Beda Jangama" caste which is considered as Scheduled Caste. It is for the appointing authority to satisfy itself whether a candidate belongs to Scheduled Caste or otherwise and not for this Court to state what procedure it should adopt, for being satisfied itself about the caste of a candidate before issuing an appointment order. Impugned endorsement being in conformity with the Circular of the Government which in turn intends to achieve constitutional mandate does not call for interference.

No merit. Writ petition is dismissed, but without costs, Rule discharged.