
(2017) 01 TP CK 0019
In the Tripura High Court
Case No : WP(C) No. 384 of 2012

Smt. Rekha Das	Vs	APPELLANT
The State of Tripura		RESPONDENT

Date of Decision : 31-01-2017

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 2 GauLT 424

Hon'ble Judges : Mr. T. Vaiphei, CJ. and Mr. S.C. Das, J.

Bench : Division Bench

Advocate : Mr. D.K. Biswas, Advocate, for the Petitioner; Mrs. A.S. Lodh, Addl. G.A., for the Respondents

Final Decision : Dismissed

Judgement

S.C. Das, J.—This writ petition under Article 226 of the Constitution of India has been filed challenging order dated 17.01.2012, passed by State Level Scrutiny Committee(SLSC), where under the caste status certificate of the petitioner dated 20.09.1980 has been cancelled, observing that the claim of the petitioner that she belonged to "Mahishya Das" community was not correct and that the caste status certificate dated 20.09.1980 was obtained by misrepresentation. The petitioner also challenged order dated 17.07.2012 (Annexure-5 to the writ petition), whereby the petitioner's appointment as a Multi-Purpose Worker(MPW) under the Directorate of Health & Family Welfare was cancelled and she was debarred from pursuing further in the employment.

2. Heard learned counsel, Mr. D.K. Biswas for the petitioner and learned Addl. G.A., Mrs. A.S. Lodh for the State respondents.

3. According to the petitioner, her forefather belonged to "Mahishya Das" community. In the year 1957, her father migrated to India from the then East Pakistan and settled at village Dwarikapur under Khowai Sub-Division and she was born on 08.03.1957. She passed Madhyamik in the year 1980 and thereafter

she came to learn that she belonged to Scheduled Caste community since her family belonged to "Mahishya Das" community, and hence she applied for a Scheduled Caste certificate, which was accordingly issued in her favour on 20.09.1980 by the Sub-Divisional Officer, Khowai. She was appointed as a Multi-Purpose Worker(MPW) under the Directorate of Health & Family Welfare, Government of Tripura in a Scheduled Caste category reserved post on 01.12.1986.

She was issued a notice on 07.07.2001 from the office of the Sub-Divisional Officer, Khowai as to why her caste status certificate should not be cancelled. Subsequent thereto, the authority engaged Vigilance Cell to inquire into the genuinity of the caste status certificate of the petitioner and the Vigilance Cell submitted a report observing that the petitioner does not belong to "Mahishya Das" community as claimed by her, and on the basis of that report a show cause notice was issued by the Director of Scheduled Castes & OBCs Welfare, Government of Tripura, and, in response to that show cause notice the petitioner submitted her reply, but the SLSC arbitrarily cancelled the certificate without affording her any opportunity of adducing evidence, etc.

4. The respondents contended that the petitioner was given all opportunities of adducing evidence and her statement was recorded when she presented herself before the SLSC and in her statement itself she admitted that except her nobody in her family had any caste certificate. The respondents further contended that the petitioner was not a member of Scheduled Caste and the certificate was fraudulently obtained, and therefore the SLSC rightly cancelled the certificate issued in the name of the petitioner. As a consequence of that cancellation the petitioner was not entitled to continue in the job and she was therefore rightly dismissed from the job.

5. At the time of hearing, the proceeding file of the SLSC was produced by learned Addl. G.A. and we have gone through the proceeding file.

6. Mr. Biswas, learned counsel for the petitioner has submitted that the petitioner was not given opportunity to adduce evidence and also to cross-examine the witnesses who were examined by the Vigilance committee and therefore the decision of the SLSC is liable to be quashed.

7. Learned Addl. G.A., Mrs. Lodh, on the other hand has submitted that the inquiry was conducted according to the rules and the petitioner was afforded opportunity and there was nothing wrong in the process.

8. The Supreme Court in the case of Kumari Madhuri Patil & Anr. v. Addl. Commissioner, Tribal Development & Ors., reported in (1994) 6 SCC 241 has laid down the law regarding the procedures to be followed for verification/cancellation of caste status certificate.

9. Rule 6 of the Tripura Scheduled Castes & Scheduled Tribes Reservation Rules, 1992 prescribes provision in respect of cancellation of Scheduled Caste or

Scheduled Tribe certificate. That provision clearly reveals that such a certificate may be cancelled by the issuing authority and first proviso to Rule 6 prescribes the procedure to be followed by the issuing authority while cancelling the certificate and the second proviso prescribes the power of the Scrutiny Committee(SLSC) to cancel such certificate. The second proviso to Rule 6 reads as follows :-

"Provided further that the Scrutiny Committee shall also be competent to cancel a community certificate issued by a competent authority. For arriving at a decision whether the community certificate in question shall be cancelled or not, the Scrutiny Committee shall follow the procedure prescribed in Rule 7A hereinafter along with reports/records obtained from the competent authority."

10. Rule 7A has been inserted after the Supreme Court's judgments on the issue which prescribes the detailed procedures to be followed by the Scrutiny Committee(SLSC). For ready reference, Rule 7A is quoted here which reads as follows :

"[7A Constitution, Powers and Functions of the Scrutiny Committee.

(1) At the State Level there shall be two Scrutiny Committees as follows -

(a) For verification of community status of Scheduled Caste Certificate holders, the Scrutiny Committee shall consist of :-

(i) The Secretary-in-charge of Department for Welfare of Scheduled Castes, Other Backward Classes and Minorities - Chairman.

(ii) The Director for Welfare of Scheduled Castes and Other Backward Classes - Member-Secretary

(iii) Joint Secretary or Deputy Secretary of the Law Department] - Member

[(iv) Additional Director or Joint Director or Deputy Director for Welfare of Scheduled Castes & Other Backward Classes - Member

(b) For verification of community status of Scheduled Tribe certificate holders, the Scrutiny Committee shall consist of :-

(i) The Secretary-in-charge of the Tribal Welfare Department - Chairman

(ii) The Director for Welfare of Scheduled Tribes - Member-Secretary

(iii) The Director, Tribal Research Institute - Member

(iv) Joint Secretary or Deputy Secretary of the Law Department] - Member

[(2) Director of Vigilance shall constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors and Sub-Inspectors to investigate into the community status and claims as may be required.

(3) The Investigating Officer would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed. He should personally verify and collect all the facts of the social status claimed by the certificate holder or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the certificate holder in relation to their caste etc. or such other persons who have knowledge of the community status of the certificate holder and submit a report to the Director of Vigilance who will verify the correctness of the report and transmit it to the Member-Secretary of the Scrutiny Committee concerned together with all particulars as envisaged in the proforma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

(4) The Member-Secretary of the Scrutiny Committee concerned, on receipt of the report from the Director of Vigilance if finds the claim for community status is not genuine or doubtful or spurious or falsely or wrongly claimed, the Member-Secretary concerned shall issue show-cause notice supplying a copy of the report of the vigilance officer to the community certificate holder by a registered post with acknowledgement due or through the head of the institution or office concerned in which the certificate holder is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case, on request, not more than 30 days from the date of receipt of the notice. In case, the certificate holder seeks an opportunity of hearing and claims an inquiry to be made in that behalf, the Member-Secretary on receipt of such representation or reply shall convene the meeting of the committee and the Chairperson of the Committee shall give a reasonable opportunity to the certificate holder and in case the certificate holder is a minor to the parent or guardian to adduce all evidences in support of his claim. A public notice by beat of drum or any other convenient mode may also be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may also be given to him or it. After giving such opportunity in person or through counsel, the Committee may make such inquiry as it deems expedient and consider the claims vis-a-vis the objections raised by the certificate holder or opponent and pass an appropriate order with brief reasons in support thereof.

Provided that in case a certificate holder engages a legal practitioner to represent his case before the Scrutiny Committee, the Director for Welfare of Scheduled Castes and Other Backward Classes or the Director for Welfare of Scheduled Tribes as the case may be, may engage a lawyer.

Provided further that before passing a final order, the Committee shall also take into consideration the local enquiry report of the Sub-Divisional Magistrate and

opinion of the Sub-Committee concerned.

(5) In case the report is in favour of the certificate holder and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in sub-rule (4) shall be followed.

(6) The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, the Committee shall pass an order cancelling the] [certificate issued and confiscate the same. The Committee shall communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the certificate holder and in case the certificate holder is a minor to his parent or guardian.

(7) In case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an office or post is getting expired, the certificate holder be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the community status certificate already issued, on an affidavit duly sworn by the parent or guardian or certificate holder before the competent officer or nonofficial and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.

(8) In case, the certificate obtained or community status claimed is found to be false, the parent or guardian or certificate holder as the case may be, shall be prosecuted for making the false claim. If the prosecution ends in a conviction and sentence of the accused, it shall be regarded as an offence involving moral turpitude, a disqualification for elective posts.

(9) As soon as the findings is recorded by the Scrutiny Committee holding that the certificate obtained was false and the certificate is cancelled and confiscated, it shall be communicated to the head of the Educational institution concerned or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The head of the educational institution responsible for making the admission or the appointing authority, shall cancel the admission or appointment as the case may be without any further notice to the certificate holder and debar him from further study or continue in office in a post]"

11. It is an admitted position that the Director of Scheduled Castes & OBC Welfare, Government of Tripura entrusted the Vigilance Cell to inquire into the caste status certificate of the petitioner and accordingly an officer of Vigilance Cell conducted an inquiry and submitted report to the Director, Scheduled Castes & OBC Welfare and on the basis of that report the Director, Scheduled Castes & OBC Welfare issued notice dated 21.07.2005 to the petitioner. A copy of that notice is annexed as Annexure-3 which reads as follows :-

"Government of Tripura

Directorate For Welfare of SC, OBC & RMs

Tripura :: Agartala

No.2-135(KH-23/SCW/GL/98/7087

Dated 21-7-2005.

Show Cause Notice

Whereas a S.C. Certificate bearing

No.216/SDO/KH/TW/80 dated 20/9/80 was issued to Smti. Rekha Das, D/O Nirmal Ch. Das of Vill-Dwarikapur P.S.-Kalyanpur by the Sub-Divisional Officer, Khowai West Tripura District.

And

Whereas a complaint received against to Smti. Rekha Das, D/O Nirmal Ch. Das of Vill-Dwarikapur P.S.-KalanpurWest Tripura District indicates that she does not belong to Scheduled Caste.

And

Whereas an enquiry was conducted through the officials of the Vigilance for ascertaining the Caste status of the certificate holder and the report of the Vigilance Officer reveals that Smti. Rekha Das, does not belong to Sch. Caste(Copy of the report enclosed).

Now, therefore, the undersigned, after taking into consideration the above mentioned enquiry report is prima facie satisfied that the certificate was obtained by misrepresentation of facts and proposes to cancel the aforesaid S.C. Certificate of the said Smti. Rekha Das as per direction given by the Hon"ble Supreme Court of India. However, before a final decision is taken, Smti. Rekha Dasis hereby given an opportunity of representing her case in writing with all relevant records/evidences within 2 weeks from the date of receipt of this notice for consideration. In case of failure of Smti. Rekha Das to respond to this show cause notice by the stipulated period, decision will be taken ex parte.

Enclo :- As stated.

Director for Welfare of Sch. Castes & OBCs, Tripura :: Agartala.

To

Smti. Rekha Das

W/O Sri Babul Shil,

D/O Lt. Nirmal Das of Dwarikapur, PS-Kalyanpur, (Now Dhaliai under Sonamura

Sub-Division, P.S. Sonamura."

12. A bare reading of the above notice clearly indicates that the petitioner was asked to show cause as to why the caste status certificate of the petitioner should not be cancelled and she was given opportunity of representing her case in writing with all relevant records and evidence within two weeks. It was, therefore clear that she was not only asked to represent her case but also was informed to submit all relevant records as well as the evidence in support of her case that she belonged to Scheduled Caste community.

13. In response to that show cause notice the petitioner submitted her reply and a copy of the same annexed as Annexure-4 to the writ petition which reads as follows :-

"To

The Director for Welfare of Sch. Castes & OBCs, Government of Tripura, Agartala, West Tripura.

Subject-Reply of your Show Cause Notice issued vide No.2-135(KH-23)/SCW/GL/7075 dated. The 21st July 2005.

Sir,

With reference to the above I most humbly and respectfully beg to lay before you the following facts & figures for your kind perusal.

1. My grand father Late Dakshina Ranjan Das migrated to India in 1946 during the period of Noakhali Communal Riot between Hindu & Muslim which affected him severely. He was then compelled to leave his native land Noakhali with all of his family members leaving his all belongings and arrived at Dwarikapur Village under Khowai Sub-Division. In order to survive with all of us he settled there and having no source of income at that situation he began to earn money as a daily labourer.

2. Subsequently my father late Nirmal Chandra Das got a job as Compounder in 1961 under Health Department, Tripura. But in the irony of fate he met premature death while he was posted at remote place under Amarapur Sub-Division. He died of epidemic disease in 1972 leaving his family consisting of his old and ailing mother, wife(our mother) and 8(eight) school going dependent minor daughters in the ocean of great sorrow and poverty. We had to lead our lives almost without food and also we had to pass some days with starvation.

3. Sir, I came to learn from my deceased father that we belong to "Mahisya Das" community and accordingly I prayed to the SDO, Khowai Sub-Division for a S.C. Certificate. Being satisfied after proper inquiry the then SDO issued a S.C. Certificate in my favour.

4. In respect of the above I beg to acquaint you that the S.C. Welfare Sub-Committee, Kalyanpur R.D. Block took resolution to the fact that I belong to S.C.

Community. Not only that they also issued a S.C. Certificate in my favour.

5. Thereafter I successfully completed a training course under West Bengal Nursing Council and I got a job in the post of Multipurpose Worker under Health & Family Welfare Department, Tripura and since then I have been performing duties sincerely and honestly to the entire satisfaction of my authorities.

6. Sir, I am ever grateful to the benign State Government of Tripura as my poor salary saved the souls of our family members from sure death of starvation. Not only that my old aged senile mother, having no son, yet depends on my earning of salary.

7. Sir, as regard of marital status I boldly say here that we maintained no discrimination in caste and community for selection of husbands. But our marriage ceremonies were solemnized according to Hind rites and there should be no scope of doubt regarding my community.

Under the above statement I firmly believe and hope that your honour would be so gracious and candid to consider my case and save my life for act of which I shall remain ever grateful to your great benevolence.

Dated, Sonamua.

Yours faithfully,

The 19th December, 2005

sd/- illegible

(Rekha Das)

Bejimara Health Centre,

Sonamura(Melaghar) Hospital,

Sonamura, Tripura(West).

Copy to :-

1. The Director of Family Welfare & Preventive Medicine, Govt. of Tripura, Agartala for favour of his kind information.

sd/- illegible

(Rekha Das)

Bejimara Health Centre,

Sonamura(Melaghar) Hospital,

Sonamura, Tripura(West).

Enclo :-

1. First copy of land purchasing deed as an evidence of permanently residing at

Dwarikapur after leaving Noakhali on 1946.

2. Copy of S.C. Certificate issued by a member of S.C. Welfare Sub-Committee, Kalyanpur R.D. Block.

3. Copy of S.C. Certificate issued by the Chairman of S.C. Welfare Sub-Committee, Kalyanpur R.D. Block.

4. Copy of resolution of the S.C. Welfare Sub-Committee in respect of recognition of "Mahisya Das" Community."

14. In the above show cause reply submitted by the petitioner there is no indication that she intended to examine any witness including herself in favour of her contention or that she wanted to cross-examine those witnesses who were examined by the Vigilance Officer in course of enquiry.

15. As per directions in the case of Kumari Madhuri Patil (supra) and in the case of Director of Tribal Welfare, Government of A.P. v. Laveti Giri & Anr. reported in (1995) 4 SCC 32 as well as in the provisions prescribed in Rule 7A as reproduced hereinbefore, the Vigilance Officer will make an independent inquiry in respect of caste status of the petitioner and at that time the Vigilance Officer was not required to call the certificate holder to remain present or to afford her any opportunity to cross-examine the witnesses. The law requires that after the Vigilance Officer submits a report, show cause notice should be issued to the certificate holder, if the authority was satisfied that the certificate was obtained by misrepresentation and the show cause notice clearly indicates it. When the Vigilance Officer has already submitted the report and the show cause notice was issued to the petitioner, in her reply she was supposed to indicate as to what sort of evidence she would like to adduce and which witness, examined by the Vigilance Officer, she would like to cross-examine. In her show cause reply she stated nothing of the sort. It was, therefore clear that the petitioner neither proposed to adduce any evidence nor proposed to cross-examine any witnesses who were examined by the Vigilance Officer before the SLSC. The show cause notice dated 21.07.2005 shows a copy of the Vigilance Officer's report was annexed with the show cause notice and that was not disputed.

The submission of learned counsel, Mr. Biswas that the petitioner was not afforded to cross-examine the witnesses examined by the Vigilance Officer is therefore found to be of no merit at all.

16. The next point argued by learned counsel, Mr. Biswas was that the SLSC mechanically passed the order dated 17.01.2012 simply considering the report of the Vigilance Officer and did not resort to enquire it independently in any other manner.

17. Rule 7A(4), as already indicated hereinbefore, clearly stipulates that in case a certificate holder seeks an opportunity of hearing and claims an inquiry to be made in that behalf, the Member Secretary on receipt of such representation or reply shall convene a meeting of the Committee and the Chairperson of the

Committee shall give a reasonable opportunity to the certificate holder

The petitioner has nothing to show that she sought for an inquiry in any manner by way of examining herself or any other witness or adducing any evidence before the SLSC.

18. In the case of Laveti Giri (supra) the Supreme Court in para 6 of the judgment has clearly observed that burden of proof of social status is always on the person who profess it to seek the constitutional socio-economic advantage.

In the case of Lilly Kutty v. Scrutiny Committee, SC & ST & Ors. reported in (2005) 8 SCC 283 also the Supreme Court made the same observation that when a person claims to be a member of a Scheduled Caste or a Scheduled Tribe, burden of proof that he or she belongs to such caste or tribe is on him/her(para 13).

19. The petitioner in her show cause reply simply stated that she belonged to "Mahishya Das" community and on the basis of her prayer the certificate was issued by Sub-Divisional Officer, Khowai and she got the job as a Multi-Purpose Worker under the Health & Family Welfare Department and she proposed to adduce no other evidence before the SLSC. Along with her show cause reply she enclosed copies of some documents as already indicated hereinbefore. Therefore, the contention of the learned counsel, Mr. Biswas that the SLSC passed the order mechanically without making an inquiry cannot stand since the SLSC was supposed to pass the order on the basis of the material placed before it by the Vigilance committee and the certificate holder. The SLSC, according to law was not required to make an inquiry/investigation of its own or to call witnesses to be examined, unless such a request is made by the certificate holder.

20. On perusal of the records of the inquiry placed before us we find that the petitioner presented herself before the SLSC and her statement was recorded on 17.01.2012.

In her statement she stated that she belonged to "Mahishya Das" community and that she heard from her father and brother that they belonged to Scheduled Caste community. Her husband belonged to "Barber" community and he was not a scheduled caste. Her father and her eight sisters, no one had a scheduled caste certificate. She had no brother. She did not enjoy the benefit of community certificate. She had nothing more to say and that what she stated was correct.

It was a statement recorded by the SLSC and signed by the petitioner herself. No copy of the same enclosed by the petitioner with the writ petition and nothing also stated in her writ petition. It is, therefore clear that except the petitioner none other of her family had a caste certificate.

21. Further, on perusal of the show cause reply submitted by the petitioner we find that the father of the petitioner was also in the Government job as a Compounder from 1961 in the same Health & Family Welfare Department of the

Government of Tripura, but he had no caste certificate.

According to learned counsel, Mr. Biswas, a person actually belonging to Scheduled Caste or Scheduled Tribe may not take a caste certificate and that does not mean that the others of the family cannot claim it. No doubt, this may happen that every person of a family may not obtain a caste certificate, but when an allegation is raised that a caste certificate obtained by a person is not genuine or that it was obtained by misrepresentation, the burden is on the certificate holder to prove that the certificate was genuine. The petitioner did not adduce any evidence before the SLSC as to what was her clan which her forefather belonged and what was their profession on the basis of which they claimed to be "Mahishya Das" community. Her father was also a service holder as stated by the petitioner herself in her show cause reply. No other evidence produced before the SLSC to show that she belonged to "Mahishya Das" community.

22. The constitutional mandate to afford opportunities to the backward communities by way of reservation has to be implemented strictly in accordance with the provisions prescribed by law. It has to be ensured that the benefit of such benevolent provision meant for the socially and economically backward groups are not stolen away by the other people.

23. The Supreme Court in the case of Laveti Giri (supra) in para 8 of the judgment observed -

"8. While reiterating the above guidelines to be workable principles, it is high time that the Government of India would have the matter examined in greater detail and bring about a uniform legislation with necessary guidelines and rules prescribing penal consequences on persons who flout the Constitution and corner the benefits reserved for the real tribals etc. etc., so that the menace of fabricating the false records and to gain unconstitutional advantages by plain/spurious persons could be prevented. Lest they would defeat the Constitutional objective of rendering socio-economic justice envisaged under Article 46 in the Preamble of the Constitution under Articles 14, 15, 16, 38 and 39."

24. It was further argued by learned counsel, Mr. Biswas that the petitioner by filing a supplementary affidavit placed on record a copy of the Family Register of Dwarikapur Gaon Panchayat which shows that the sister of the petitioner, namely Sipra Das belonged to Scheduled Caste community. That paper was not placed before the SLSC for consideration. Since it was not placed before the SLSC for consideration the petitioner has no right to place a new material before the writ court to challenge the order passed by SLSC.

25. While exercising power of judicial review this Court has no right to accept additional evidence or something new which was not placed before the domestic tribunal. The Supreme Court has categorically held the mechanism to inquire into a caste status matter and to decide the issue. The SLSC is a statutory body to look into the matter. The Vigilance Cell enquired into the issue and submitted a

report after examining relevant witnesses and obtaining report from the concerned authorities, wherefrom the Vigilance Cell observed that the petitioner does not belong to Scheduled Caste community. Based on that report, show cause notice was issued as to why the certificate should not be cancelled and the petitioner submitted her reply, wherein she did not propose to adduce any form of evidence either oral or documentary. She simply annexed copies of some certificates which were duly considered by the SLSC. The document which was not produced before the SLSC cannot be taken to consideration by this Court in a writ petition. Further, that Family Register was not in the name of the petitioner. It was in the name of her sister and it was issued in the year 1994. No evidence adduced under what circumstances that was issued. So, Exbt.9 which is produced on behalf of the petitioner with her supplementary affidavit cannot be taken into consideration.

26. In view of the discussions made above, we find no merit in the writ petition and the writ petition therefore stands dismissed. However, parties to bear their own costs.

27. Before parting with the case records we are constrained to observe that the first notice by Sub-Divisional Officer, Khowai proposing cancellation of the caste status certificate of the petitioner was issued on 07.07.2001. The cancellation order by the SLSC was passed on 17.01.2012 and the Memo. terminating the job of the petitioner was issued on 17.12.2012. It was an abnormal delay in taking action. Sub-Rule(6) of Rule 7A clearly stipulates that the inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. Unfortunately, in this case, the respondents took twelve years in place of two months in taking action. The law made by the State has clearly been flouted by the respondents. We, therefore, direct the respondents to strictly follow the provisions in future so that a genuine person is not harassed and simultaneously unscrupulous person cannot enjoy the benefit of a certificate obtained through misrepresentation or fraud.

28. Send a copy of this judgment to the Chief Secretary of the Government of Tripura for future guidance.

29. Return the proceeding file produced by learned Addl. G.A.