

**Ramnath Samant Vs. The State of Jharkhand and Ors**

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**Court :** Jharkhand

**Decided On :** Apr-26-2017

**Appellant :** Ramnath Samant

**Respondent :** The State of Jharkhand and Ors

**Judgement :**

IN THE HIGH COURT OF JHARKHAND AT RANCHI W. P. (C) No. 7344 of 2016  
Ramnath Samant Petitioner -V e r s u s-

1. The State of Jharkhand
2. The Circle Officer, Dhakardharpur, West Singhbhum
3. The Block Development Officer, Noamundi, West Singhbhum
4. The Sub-Divisional Officer, Jagarnathpur, West Singhbhum
5. Rajesh Joko
6. Gura Bodra
7. Ulmain Sirka
8. Ganesh Boipoi

9. Sonram Purti ...Respondents with W. P. (C) No. 905 of 2017 Sonaram Purty  
Petitioner -V e r s u s-

1. State Election Commission, Jharkhand

2. Deputy Commissioner, West Singhbhum

3. Circle Officer-cum- Election Officer, Noamundi, West Singhbhum

4. Sub-Divisional Officer, Jagarnathpur, West Singhbhum..Respondents CORAM:  
- HONBLE MR. JUSTICE APARESH KUMAR SINGH For the Petitioner : - M/s  
Anil Kr. Sinha, Sr. Advocate Kumar Harsh, Adv. ( W. P. (C) No. 7344 of 2016) Mr.  
Ratnesh Kumar, Adv. ( W. P. (C) No. 905 of 2017) For the Resp.- State :- Mr.  
Binod Singh, SC ( L & C) For the Resp.-Commission :- M/s Sumeet Gadodia &  
Prem Pujari Roy, Advs. . 06/26.04.2017 Order dated 14.02.2017 passed in W. P.  
(C) No. 7344 of 2016 reads as under:- Senior counsel for the petitioner submits  
that the impugned order passed by the Sub-Divisional Officer, Jagarnathpur in  
Election Petition No.02/2015-16 dated 12th November 2016 (Annexure-1) holding  
that the petitioner, an elected Mukhiya of Panchayat Gua West, Block Noamundi,  
does not belong to the Scheduled Tribe rather is a member of backward class  
(caste Tamaria), is in clear teeth of the judgment rendered by the Apex Court in  
the case of Kumari Madhuri Patil & Anr. Vs. Additional Commissioner, Tribal  
Development & Ors. reported in (1994) 6 SCC241 No determination of the Caste  
Scrutiny Committee has been made in respect of the status of the petitioner as a  
member of Scheduled Tribe. Reliance has also been placed on the judgment  
rendered by the Patna High Court in the case of Shyam Sundar Nag & Ors. Vs.  
State of Bihar & Ors. reported in 1987 BBCJ556 Election of the petitioner has  
been annulled on wholly untenable grounds. Learned counsel for the State is  
allowed three weeks time to obtain instructions and file counter affidavit in the  
matter. Let the respondents also furnish the records of Election Petition  
No.02/2015-16 to the State counsel in sealed cover for consideration at the time of  
arguments. Issue notice on the respondent nos. 5 to 9 under registered cover with  
A/D as well as under ordinary process for which requisites be filed by Friday i.e.  
17th February, 2017, failing which this petition as against the concerned  
respondents shall stand rejected without further reference to a Bench. List the

case in the week of 20th March 2017 under the heading 'For Admission' amongst first 20 cases as unfixed case. Respondents- State should file their counter affidavit positively before the next date, failing which suitable cost may be imposed on the next date. Till the next date of hearing, status quo as of today be maintained. Counter affidavit has been filed on behalf of the respondent nos. 2 to

4. The respondent nos. 5, 6 and 9 have also filed their counter affidavit. Supplementary counter affidavit has also been filed on behalf of the respondent no.

3. The petitioner's election to the post of Mukhiya of Panchayat Gua West, Block Noamundi has been annulled by the impugned order dated 12.11.2016 on the Election Petition No. 02/2015-16 by the Sub-Divisional Officer, Jagarnathpur on the finding that he does not belong to Scheduled Tribe rather is a member of Backward Class ( caste Tamaria). The Certificate of caste has been issued by the Block Development Officer, Noamundi, Annexure-4 dated 09.02.1989 showing the petitioner belonging to the caste Munda, which is covered under the Presidential notification of 1956 as a Scheduled Tribe. Subsequently, the certificate of caste in duplicate was also issued by the Block Development Officer, Noamundi on 30.10.2015 bearing the same number 65 dated 09.02.1989 showing the petitioner belonging to the caste of Munda covered under the Presidential notification of 1956 in the category of ST. On consideration of rival contention of the parties, the main issue in- controversy is whether the Sub-Divisional Officer, Jagarnathpur in an Election Petition could have come to a finding on the question whether the petitioner belongs to Scheduled Tribe or not. The Hon'ble Supreme Court has in the case of Kumari Madhuri Patil & Anr. Vs. Additional Commissioner, Tribal Development & Ors. reported in (1994) 6 SCC241 laid down elaborate guidelines to streamline a procedure for issuance of social status certificate, scrutiny and their approval. The necessity to issue such guidelines was felt to scrutinize claims relating to admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate which has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates as enjoined in the Constitution of the benefits conferred on them by the Constitution. The Hon'ble Supreme Court also observed that the genuine candidates are also denied

admission to educational institutions or appointments to office or posts under a State for want of social status certificate. The detail guidelines are laid down at para-13 of the report. The Government of Jharkhand has also in obedience to the direction issued a notification no. 3630 dated 08.07.2004 constituting a Caste Scrutiny Committee. This Court is, therefore, of the view that the matter relating to caste status of the petitioner as a member of Scheduled Tribe be examined by the Caste Scrutiny Committee. The Department of Personnel, Administrative Reforms & Rajbhasa, Government of Jharkhand is, therefore, directed to place the matter before the Caste Scrutiny Committee with all relevant records. The Committee would scrutinize the status of the petitioner as a Scheduled Tribe person and render its opinion after giving opportunity to the affected parties and in terms of the procedure laid down therein within a period of 16 weeks from the date of receipt of a copy of this order. Learned counsel for the State shall communicate this order to the Department of Personnel, Administrative Reforms & Rajbhasa, Government of Jharkhand. It is also open for the petitioner and the private respondent to bring this order to the notice of the Department of Personnel, Administrative Reforms & Rajbhasa, Government of Jharkhand as well the Caste Scrutiny Committee. Let the case be placed accordingly after 16 weeks in the first week of September, 2017 under the heading for admission. Let a copy of this order be handed to the learned counsel for the State. (Aparesh Kumar Singh, J.) Kamlesh/

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