

GAHC010095722024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2717/2024

ALL ASSAM KOCH ASSOCIATION AND ANR
A REGISTERED SOCIETY UNDER THE SOCIETIES REGISTRATION ACT,
1860 ITS HEAD OFFICE AT ADARSHA MANJURI GAON, P.O. BORKONA,
DISTRICT- SOUTH SALMARA, ASSAM- 783131

2: PARIMAL KOCH
SECRETARY
ALL ASSAM KOCH ASSOCIATION
SON OF LATE ROMAKANTA KOCH
RESIDENT OF VILL. MILONPARA
P.O. RAKHASINI
GOALPARA
ASSAM- 78310

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI- 781006

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES
DISPUR
GUWAHATI- 781006

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
DEPARTMENT FOR WELFARE OF PLAIN TRIBES AND BACKWARD
CLASSES
DISPUR
GUWAHATI- 781006

4:THE ASSAM STATE BACKWARD CLASSES COMMISSION
C/O- DEPARTMENT FOR WELFARE OF PLAIN TRIBES AND BACKWARD

CLASSES
DISPUR
GUWAHATI- 78100

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : SC, WATER RESOURCE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

05.06.2024

Heard Mr. P. Mahanta, learned counsel for the petitioners. Also heard Mr. C. Sarma, learned Standing Counsel, Social Justice & Empowerment for the respondents No. 2 & 3 and Ms. M. Barman, learned Government Advocate for the respondent No. 1.

It is submitted that the under the State OBC list, communities of "Koch" or "Rajbangshi" was unlisted. By a subsequent Corrigendum issued in the year 2011, this was altered to "Koch Rajbongshi". The grievance of the petitioner is that they had approached the appropriate forum which is the Assam Backward Classes Commission by filing necessary representations in the year 2021 as well as the Department of Welfare of Plains, Tribal and Backward Classes. However, no steps have been taken to redress their grievances of the writ petitioner. It is submitted that "Koch" and "Rajbangshi" are two separate communities with separate identities and culture and practice. Therefore, clubbing them together as "Koch Rajbangshi" may have the effect of placing the members of the petitioners association to be identified as community which is not accepted or known in the society namely, "Koch Rajbangshi".

Mr. C. Sharma, learned counsel appearing for the department will obtain the

instructions with regard the representations stated to have been filed before the Assam State Backward Classes Commission.

Let extra copies be furnished to the respondents counsel within a period of one week from today.

Let the matter be listed again on 24.06.2024.

Mr. C. Sharma, learned counsel submits that the Department of Welfare of Plains Tribals and Backward classes has now been re-nomenclatured as Department of Social Justice and Empowerment and the Directorate of Scheduled Case and Backward Classes is a necessary party and the same is required to be arrayed as a party.

The learned counsel for the petitioners is permitted to make the changes in the cause title and array the appropriate Directorate by filing amended cause title within a period of one week from today.

List on 24.06.2024.

The names of all the counsel be reflected in the cause list by the Registry.

JUDGE

Comparing Assistant