

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 2205 of 2020
(Lakshmi Seth Vs. Life Insurance Corp. of India & Ors.)

CORAM : HON'BLE DR. JUSTICE S.N. PATHAK

For the Petitioner : Mr. Lukesh Kumar, Advocate
For the Respondents: Mr. Sachin Kumar, Advocate
Ms. Sweta Shukla, Advocate

13/ 06.05.2024 The Original Petitioner has challenged the order of punishment.

2. It is the case of petitioner that in a regular departmental proceeding the original petitioner was subjected to punishment on the ground that he has obtained employment on the basis of forged certificate inasmuch as though petitioner has obtained employment under Scheduled Caste category whereas, the fact remains that he does not belong to the said category.
3. Learned counsel for the petitioner submits that original petitioner being the resident of Himachal Pradesh has obtained caste certificate on the ground that Teli caste comes under Scheduled Caste Category in Himachal Pradesh. After his migration to the erstwhile State of Bihar, the original petitioner was issued Caste Certificate by the Deputy Labour Commissioner on the basis of Caste Certificate issued by the State of Himachal Pradesh. Learned counsel submits that there is no illegality on that part.
4. However, the same is being disputed by learned counsel for the respondents. It has been argued that unless a particular caste is declared to be caste falling under the reserved category by Presidential Proclamation, the same cannot be termed to be a caste falling under the particular category. Learned counsel submits that merely because the Deputy Labour Commissioner has issued the Caste Certificate in favour of petitioner treating him as Scheduled Caste candidate, he cannot claim appointment under the said category.

5. Having heard the rival submissions of parties, the issue which needs to be decided for proper adjudication of the case are as follows:
- I) The 'Teli' caste comes under the Scheduled Caste category in the State of Himachal Pradesh, after migration to the erstwhile State Bihar whether candidature of petitioner can be considered under the reserved category of Scheduled Caste?
 - II) Whether without presidential proclamation, a particular caste can be considered to be belonging to Scheduled Caste category in the State of Migration only because prior to migration to other State, the person concerned was belonging to Scheduled Caste category in the State from where he has migrated?
6. This application shall be heard.
7. ***Admit.***
8. List this case in usual course.
9. Let it be made clear that pendency of the writ petition will not come in the way of disbursing the admitted dues to the petitioner, in accordance with law.

(Dr. S. N. Pathak, J.)

kunal