



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.7158 of 2026

Himani Ram

.....

Petitioner

Mr. P.K. Rath, Sr. Advocate
along with
Mr. A. Behera, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. S. Das, ASC

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.03.2026

Order No.04

1. This matter is taken up through hybrid mode.
2. Heard Mr. P.K. Rath, learned Sr. Counsel appearing for the Petitioner along with Mr. A. Behera, learned counsel and Mr. S. Das, learned Addl. Standing Counsel appearing for the Opp. Parties.
3. Instruction produced in Court be kept in record.
4. The present writ petition has been filed inter alia challenging the order passed by the Tahasildar, Jaleswar-Opp. Party No. 3 under Annexure-2, wherein application made by the Petitioner for issuance of the caste certificate in her favour by showing her as belonging to Scheduled Tribe with his sub caste Shabar was rejected.
5. Learned Sr. Counsel appearing for the Petitioner contended that Petitioner made such an application to get the benefit of caste certificate, taking into account the fact that similar caste certificate was issued by the self-same authority not only in favour of the father of the Petitioner but also in favour of other family members at different point of time vide Annexure-5 series.



5.1. It is contended that in all such certificates issued by the self-same authority under Annexure-5 series, all the family members of the Petitioner were treated as having belong to Scheduled Tribe with sub caste Shabar. It is further contended that such caste certificates were issued in favour of the father of the Petitioner and other family members, taking into account the entry made in various RORs, wherein the caste of the Petitioner's family was reflected as Shabar under Annexure-4 series.

5.2. It is contended that in all the RORs issued under Annexure-4 series, the caste of the family members of the Petitioner including her father was reflected at Shabar. But relying on a solitary ROR, where the caste has been wrongly indicated as Sualgiri, application of the Petitioner has been rejected vide the impugned order under Annexure-2, basing on the R.I. report under Annexure-1.

5.3. While assailing the impugned rejection and relying on the provisions contained under the Odisha Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of issuance and Verification of Caste Certificates) Rules, 2023, (in short rules), learned Sr. Counsel for the Petitioner contended that as provided under Rule 4(2) of the Rules, while conducting such verification with regard to the application for issuance of caste certificate, RORs issued at different point of time are required to be examined. But the concerned R.I. while submitting the impugned report under Annexure-1, only verified a solitary ROR so recorded under Khata No. 270, Plot No. 1080 in Mouza-Dhanasimulia, wherein the caste has been wrongly indicated as Sualgiri.

5.4. It is contended that since in all the RORs so available under Annexure-4 series, the caste of the entire Petitioner's family has



been reflected as Shabar, relying on a solitary ROR, where the caste has been wrongly reflected as Sualgiri in place of Shabar, concerned R.I. could not have submitted a report under Annexure-1 and relying on the same, claim of the Petitioner could not have been rejected vide the impugned order under Annexure-2.

5.5. It is also contended that as provided under the aforesaid Rules while relying on the RORs, the last such ROR is required to be followed and in the instant case, the last such ROR was issued in the name of the Petitioner's father on 06.06.2020, under Annexure-4 series, wherein the caste is reflected as Shabar. The ROR which was relied on by the R.I., was issued in the year 1990 under Khata No. 270 in Mouza-Dhanasimulia.

5.6. It is accordingly contended that in view of the fact that in all the RORs, so available under Annexure-4 series caste of the Petitioner's family has been indicated as Shabar and basing on such record, not only father of the Petitioner but also the other family members of the Petitioner have been issued with the caste certificate by showing the caste as Shabar, having belong to ST category, the ground on which Petitioner's application was rejected vide order under Annexure-2, relying on the impugned enquiry report under Annexure-1 requires interference of this Court and Opp. Party No. 3 be directed to issue the caste certificate in favour of the Petitioner by reflecting her caste as Shabar and having belong to ST category.

6. Mr. S. Das, learned Addl. Standing Counsel on the other hand raised a preliminary objection with regard to maintainability of the writ petition contending inter alia that the impugned order being an appealable one, Petitioner has to move the appellate authority, who happens to be the Sub-Collector. It is accordingly contended that



since without availing the alternate remedy, Petitioner is before this Court, the writ petition is not maintainable.

6.1. It is also contended that since in one of the ROR, caste of the Petitioner's family has been reflected as Sualgiri, which does not come under ST category, basing on the report submitted by the R.I. under Annexure-1, claim of the Petitioner was rightly rejected by the Tahasildar-Opp. Party No. 3 vide order under Annexure-2.

6.2. Since the caste in one such ROR, which is not disputed, is reflected as Sualgiri, no illegality or irregularity can be found either with the impugned report of the R.I. so issued under Annexure-1 or with the consequential order of rejection passed by the Tahasildar under Annexure-2.

7. Having heard learned counsel appearing for the Parties and considering the submission made, this Court finds that Petitioner who happens to be the daughter of Sri Dhananjay Ram, made the application to get the benefit of a caste certificate by showing her caste as Shabar, having belong to ST category vide Application Reference No. E-STO/2026/73428. As found, basing on the impugned R.I. report submitted under Annexure-1, wherein the caste of the Petitioner was reflected as Sualgiri, claim of the Petitioner to get the certificate was rejected vide the impugned order of Opp. Party No. 3 under Annexure-2.

7.1. This Court after going through the materials available on record, finds that in almost all the RORs so enclosed vide Annexure-4 series, caste of the Petitioner's family including that of her father is reflected as Shabar, save and except in one such ROR, (so produced by way of a memo) where the caste has been reflected as Sualgiri.



7.2. It is also found from the record that not only Petitioner's father but also other family members of the Petitioner have been issued with the caste certificate by showing their caste as Shabar, having belong to ST category under Annexure-5 series. It is also found from the record that the last such ROR showing the caste as Shabar has been issued in favour of the Petitioner's father under Annexure-4 series vide Khata No. 467/540 on 06.06.2020.

7.3. Placing reliance on the provisions contained under the aforesaid 2023 Rules, more particularly Rule 4(2) of the Rules and the fact that in all the RORs, caste of the Petitioner's family members has been reflected as Shabar and almost all the family members of the Petitioner including her father have been issued with the caste certificate showing the caste as Shabar and having belong to ST category, by taking the caste so recorded in a solitary ROR under Khata No. 270 in Mouza-Dhansimulia, where the caste is reflected as Sualgiri, claim of the Petitioner could not have been rejected vide order under Annexure-2, relying on the report submitted by the R.I. under Annexure-1.

7.4. Since this Court is of the prima facie view that claim of the Petitioner has been illegally rejected on the face of the documents available under Annexure-4 series and 5 series as well as the sale deed available under Annexure-3, this Court is of the view that alternate remedy of appeal is not a bar on the part of this Court to entertain the writ petition.

7.5. In view of the aforesaid analysis, this Court is inclined to quash the impugned report submitted under Annexure-1 and so also the impugned order passed by Opp. Party No. 3 under Annexure-2 in Application Reference No. E-STO/2026/73428. While quashing the



report and the order under Annexure-1 & 2, this Court directs Opp. Party No. 3, to issue the caste certificate in favour of the Petitioner by showing her caste as Shabar having belong to ST category within a period of two (2) weeks from the date of receipt of this order. Opp. Party No. 3 is directed to act on production of the certified copy of this order by the Petitioner.

8. The writ petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha