



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 1765 of 2024

Asarpi Meher

.....

Petitioner

Mr. Jagabandhu Sahu, Advocate

-versus-

1.State of Odisha

2.Director General of Police, Odisha

3.Superintendent of Police, Balangir

***4. The IIC, Deogaon Police Station,
Balangir***

Opposite Parties

Mr. A. K. Apat,

Additional Government Advocate

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

27.02.2026

Order No.

03.

(Through hybrid Mode)

1. This CRLMP has been filed for a direction to the Opposite Party to register a case against Somkesh Nayak, the Additional Tahasildar, Deogaon to investigate into the matter and to give protection to the Petitioner.

2. That the case of the Petitioner is that her son - Bikash Meher had applied for a caste certificate before the Tahasildar, Deogaon as he required it for securing a job. But after repeated requests, he remained rigid and refused to issue the caste certificate. On 19.11.2024 the informant with some women of her village had gone to the Tahasil Office, Deogaon and asked the Tahasildar as to why he is not issuing the caste certificate to them in spite of direction of Hon'ble Supreme Court as well as State Government. The Tahasildar refused to issue Caste Certificate to them and abused them in filthy language referring to their caste and directed them to



leave the Tahasil Office. On 20.11.2024 the Petitioner submitted one written complaint before the Deogaon Police Station /Opposite Party No.4 against Somkesh Nayak. But when no case was registered, the Petitioner with president of their caste namely Dhansingh Meher had met the Superintendent of Police, Balangir - Opposite Party No.3 on 25.11.2024, complaining about the inaction of the IIC and submitted the representation. But even then as case was not registered, they have approached this Court.

3. Pursuant to order dated 02.01.2025 of this Court, an affidavit has been filed by the IIC, Deogaon Police Station, where it is stated that on 19.11.2024 on receiving intimation from the Tahasildar, Deogaon over telephone about gathering of 100 of people at the Tahasil office, who were abusing the Additional Tahasildar in obscene language for not issuing a caste certificate to one Bikash Meher and Asarpi Meher(present Petitioner). The deponent reached the Tahasil office and the crowds were abusing and threatening to kill the Additional Tahasildar, Deogaon. The SDPO, Balangir also arrived at the spot and rescued the Additional Tahasildar, Deogaon and the mob dispersed. On 20.11.2024, on the written report of the Additional Tahasildar, Deogaon, Deogaon PS Case No. 270 of 2024 was registered against Smt. Sarojini Meher and others for commission of offences punishable under Section 189(2)/ 296/ 329(3)/ 121(1)/ 132/ 351(2)/190 BNS, 2023. On the same day at around 5.45 P.M., the Petitioner presented a written report alleging that her son Bikash Meher had applied for caste certificate at Tahasil office, Deogaon, which was rejected by the Additional Tahasildar. She also alleged that on 19.11.2024, she and other female members of her village had gone to Tahasil Office, Deogaon and demanded



the caste certificate But the Addl. Tahasildar refused to issue caste certificate and abused them in obscene languages. On the basis of her complaint, a General Diary entry 42 dated 20.11.2024 was made and preliminary enquiry was conducted from which it was ascertained that “Kulis” come under the Scheduled Tribe in serial No.42 of the Law Department Notification No.2232/I/Legis-05/24/L dated 20.02.2024 and there is no "Kuli" community added in the Gazette Notification for which a clarification was sought for by the Addl. Tahasildar vide Letter No.2394 dated 30.10.2024. The deponent, IIC, Deogaon Police Station has also stated that he was present on 19.11.2024 along with the other police personnel in the Tahasil office, Deogaon and no such occurrence as alleged by the Petitioner has taken place for which the preliminary enquiry was closed as false and entry was made in General Diary i.e. GD No. 26 dated 05.12.2024.

4. Mr. J. Sahu, learned counsel for the Petitioner submits that as per the judgment of the Supreme Court in ***State of Orissa vs Dasarathi Meher :AIR 2018 SC 4998***, decided on 27.09.2018 the Supreme Court has held that “kuli” has to be included in “kulis”, otherwise a tribe will be deleted from the list of Schedule Tribes as there is no community by the name of “kulis” in the State of Orissa, for which the entries in the list have to be read in a manner which is consistent with the intention of the parliament. Pursuant to this judgment, the Commissioner-cum-Secretary to Government in the Department of SC and ST Development, has issued letter to all Collectors on 03.12.2018 enclosing the order of the Hon’ble Supreme Court and also stating that there should not be any inhibition on the part of the Competent Authority to issue caste



certificate in favour of a person belonging to the kuli community as a member of Schedule Tribe. But even though the copy of the judgment of the Supreme Court and the letter of the Commissioner were produced before the Addl. Tahasildar, he refused to grant caste certificate to the son of the Petitioner. Subsequently, caste certificate was issued to him, pursuant to the order passed by the Collector, Balangir. But it did not help him in getting a job as because by that time, the Police had shown him as an accused in the case alongwith the persons who had allegedly gathered at the Office of the Additional Tahasildar on that day. He further submits that as the Additional Tahasildar had abused the Petitioner and her son and humiliated them by referring to their caste, as those were cognizable offences, a case should have been registered against him . But the police accepted his FIR but no case was registered on the complaint of the Petitioner. He submits that the enquiry conducted by the police is biased as there are a number of witnesses who were present and have heard the words uttered by the Additional Tahasildar, Mr. Somkesh Nayak.

5. Mr. A.K. Apat, learned Additional Government Advocate submits that since enquiry on the complaint of the Petitioner has already been conducted and the allegations found to be false by the IIC, Deogaon Police Station, and instead a case has been registered by the Police on the information of the Additional Tahasildar , this is not a fit case where any direction should be issued to the IIC, Deogaon to register any case on the complaint of the Petitioner.

6. In this CRLMP, this Court is not to decide whether the Additional Tahasildar was right in refusing to grant caste certificate to the son of the Petitioner. It has anyway been submitted that the



son of the Petitioner has been issued a caste certificate subsequently. But a perusal of the judgment of the Supreme Court in the case of **Dasarathi Meher** (supra), reveals that the son of the Petitioner was entitled to be issued a caste certificate . Injustice appears to have been done against the Petitioner and her son as he was first denied caste certificate and thereafter a case has been registered as the members of the community gathered in the Office and created disturbance. As son of the Petitioner has also been arrayed as an accused in the case, he has not been able to get a job, in spite of being issued the caste certificate.

7. As per the decision of the Supreme Court in the case **Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage : (2016) 6 SCC 277**, the Petitioner has alternate remedy as the Police has not registered any case on her complaint. After perusing the averments in the CRLMP and the affidavit filed by the Opposite Party No.4 and hearing the learned counsel for the Petitioner and Mr. A. K. Apat, learned Additional Government Advocate and considering the developments which have taken place in the meanwhile, I am not inclined to issue any direction to the Opposite Party No.4 to register a case on the complaint of the Petitioner, as the Petitioner has alternate remedy. The Petitioner is at liberty to avail the alternate remedy which is available to her under law, to challenge General Diary i.e. GD No. 26 dated 05.12.2024 and for other relief, if she so desires.

8. But what comes to my mind is that registration of a case against the Additional Tahasildar will not help the son of the Petitioner, who is unable to secure a Government job on account of pendency of the case against him. In view of the peculiar facts and



circumstances of the case, I direct the Government to consider if Deogaon PS Case No. 270 of 2024 can be withdrawn in accordance with Section 360 of the BNSS against the son of the Petitioner, or in toto. This in my view would serve “*public justice*”. Any application for withdrawal would of course be subject to the consideration and order of the concerned Magistrate/ Judge.

9. With this direction, the CRLMP is disposed of.

10. Urgent certified copy of this order be granted on proper application and copy of this order be sent to the Opposite Parties No. 2 and 3, by the Registry.

(Savitri Ratho)
Judge

subhalaxmi /puspa