



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.37572 of 2023

Nirmal Chandra Behera **Petitioner**
Mr. S.B. Mohanty, Advocate

-versus-

**State of Odisha and
Others** **Opposite Parties**
Mr. C.K. Pradhan, AGA

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
20.01.2025

Order No.

- 12.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Heard learned counsel for the parties.
- 3.** Petitioner has filed the present Writ Petition *inter alia* challenging order dated 09.06.2023 under Annexure-13 so passed by O.P. No.2.
- 3.** Learned counsel for the petitioner contended that when the Caste Certificate issued in favour of the petitioner under Annexure-1 was cancelled by the State Level Scrutiny Committee, petitioner approached this Court in W.P.(C) No.1834 of 2017. Vide the earlier order passed by this Court on 20.12.2022 in W.P.(C) No.1834 of 2017, this Court remitted the matter to the Committee



for fresh disposal and permitted the Petitioner to file relevant documents. But on the face of such order with production of the documents, the Committee cancelled the certificate so issued in favour of the petitioner under Annexure-1 vide the impugned order dated 09.06.2023.

4. It is contended that placing reliance on the Notification issued by the Govt. of India under Annexure-8 and consequential letter issued by the Govt. in the department of Harijan & Tribal Welfare Department, BBSR under Annexure-9 and so also the letter issued on 20.07.1981 under Annexure-9, petitioner was issued with the Caste Certificate by showing his caste as Dewar (Kaibarta), which is recognized as Schedule Caste under the Constitution Order, 1950 on 08.09.1981.

4.1. It is contended that since in terms of the notification issued under Annexure-8 and 9, petitioner was issued with the caste certificate by showing him having belong to Schedule Caste, his caste being Dewar (Kaibarta) and such Caste of the Petitioner was also reflected in the RORs, though were produced before the Committee but without considering the same in its proper perspective, the Committee again passed the impugned order under Annexure-13 by cancelling the certificate so issued in favour of the petitioner under Annexure-1.

4.2. It is contended that since in terms of Annexure-8, notification coupled with the notification issued by the



State under Annexure-9, petitioner was issued with certificate by showing his caste as Schedule Caste, the Committee after remand of the matter, should not have passed similar order by cancelling the certificate.

5. Mr. C.K. Pradhan, learned Addl. Govt. Advocate on the other hand contended that the Notification issued and available under Annexure-8 has been superseded in the meantime and he will produce the relevant documents in support of the same.

6. As requested, by the learned AGA list this matter in the week commencing 10.02.2025.

(Biraja Prasanna Satapathy)
Judge

Basudev

Signature Not Verified

Digitally Signed
Signed by: BASUDEV SWAIN
Designation: SR. STENO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 27-Jan-2025 13:36:20

