

(2015) 03 CAL CK 0022

Calcutta High Court

Case No: M.A.T. No. 2117 of 2014

Darvell Investment and Leasing
(I) Pvt. Ltd. and Others

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision: March 30, 2015

Acts Referred:

- Constitution of India, 1950 - Article 141, 142, 32
- West Bengal Land Reforms Act, 1955 - Section 14C, 14E, 14H
- West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 - Section 2(a), 5, 6, 7, 7(3)

Citation: (2015) 2 CHN 674

Hon'ble Judges: Manjula Chellur, C.J.; Joymalya Bagchi, J.

Bench: Division Bench

Advocate: Sakti Nath Mukherjee, Senior Advocate, Kishore Dutta and Ayan Banerjee, for the Appellant; Tapas Kumar Mukherjee, Ld. A.G.P., Advocates for the Respondent

Final Decision: Dismissed

Judgement

Joymalya Bagchi, J.

The short question which arises for decision in this appeal is whether the State Scrutiny Committee (hereinafter referred to as the "committee") constituted under the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (hereinafter referred to as the "Act of 1994") is empowered to enquire into a complaint of illegal cancellation of caste certificate by the certificate issuing authority under section 9(1) of the Act of 1994 and/or to verify the social status of the certificate holder in relation thereto.

2. Factual matrix giving rise to the aforesaid question is as follows:-

One Ramnanda Baraik, since deceased, the father of respondent Nos. 14 to 17 herein, had sold the property in question to one Sanjoy Gupta in 1983. The said

Ramnanda Baraik died in 1991. Thereafter, respondent No. 14 made application for grant of caste certificate under section 5 of the Act of 1994 declaring himself as a member of a scheduled tribe community, namely "Chick Baaik". After enquiry, Sub-Divisional Officer, Siliguri, that is, the certificate issuing authority under the Act of 1994, issued tribal certificate in favour of respondent No. 14 on 23.04.1993.

3. On the strength of such certificate, respondent No. 14 made an application in 2004 under section 14E of the West Bengal Land and Land Reforms Act, 1955 for cancellation of the aforesaid sale deed executed by their father in favour of said Sanjoy Gupta on the premise that their father was a member of scheduled tribe community and the aforesaid transfer had been effected without obtaining requisite permission from the appropriate authority under section 14C of the said Act was thus void. Accepting such contention, Revenue Officer by order dated 29th November, 2004 held the sale to be void. In the meantime, Sanjoy Gupta had conveyed the property to the appellant Nos. 1 and 2. Accordingly, the appellants sought leave to prefer appeal under section 14H of the 1955 Act before the Civil Judge. Such prayer being turned down the appellants preferred a revision petition before the learned District Judge which also met with the same fate. Prayer for recalling of such order was also dismissed by the District Judge.

4. By order dated 23rd July, 2012, a Learned Single Judge of this Court in C.O. No. 2240 of 2009 set aside the aforesaid orders of the District Judge and remanded the matter for re-consideration before the revisional Court. In the meantime, the appellants took out an application for cancellation of the caste certificate issued in favour of the respondent No. 14 on the premise that his father Ramananda Baraik had obtained employment in General Category and that his father as well as respondent No. 14 had conveyed other lands without permission by swearing affidavits that they belonged to General Caste and were not member of any scheduled caste/scheduled tribe community.

5. On such application, by order dated 06.07.2012 the certificate issuing authority, namely, SDO, Siliguri, cancelled the caste certificate issued to the respondent No. 14. Respondent No. 14 preferred an appeal against such order of cancellation before the District Magistrate, Darjeeling and by order dated 21.01.2013 such appeal was dismissed and the order of the Sub-Divisional Officer was duly affirmed.

6. In view of cancellation of the caste certificate of respondent No. 14, the appellants No. 1 and 2 sought to withdraw the aforesaid revision petition preferred by them before the learned District Judge and prayed before the Revenue Officer for correction of records of right and to mutate their names in respect of the land in question.

7. It is pertinent to mention in the course of such proceeding the appellant Nos. 1 and 2 transferred a portion of the said property in favour of the appellant Nos. 3 and 4.

8. On 06.03.2013, Commissioner, Jalpaiguri Division issued direction upon BL and LRO not to mutate the names of the appellants in the records of right and also advised respondent No. 14 to prefer appeal before the Committee constituted under Act of 1994.

9. Appellants challenged the aforesaid order dated 06.03.2013 issued by the Commissioner, Jalpaiguri Division before this Court in W.P. No. 10002 (W) of 2013. In the course of hearing of the said petition, the Commissioner withdrew the said order and the property in question was mutated in favour of the appellants. However, in the meantime the respondent Nos. 14 to 17 preferred an appeal before the Committee against the order dated 06.07.2012 passed by the Certificate Issuing Authority, namely, SDO, Siliguri cancelling his caste certificate which was affirmed by the District Magistrate vide order dated 21.01.2013.

10. Pursuant to such appeal, Chairperson of the Committee passed an order setting aside the order of cancellation of the Certificate Issuing Authority and directed the latter to pass appropriate order in the meantime. Such order dated 24th December, 2013 passed by the Chairperson of the State Scrutiny Committee was assailed before this Court in W.P. No. 133 (W) of 2014. A learned Single Judge of this Court, while setting aside the said order, directed the Committee to re-hear the matter firstly on the point of jurisdiction and then on other points.

11. Pursuant thereto, the Committee by order dated 02.01.2014 held that it had jurisdiction to entertain a prayer for verification of the social status of respondent No. 14 with regard to a complaint against cancellation of his caste certificate. This order of the Committee became the subject matter of the writ petition being W.P. No. 133 (W) of 2014 which was dismissed by the learned Single Judge on 28.01.2014. Hence, the present appeal.

12. Mr. Mukherjee, learned senior advocate appearing for the appellants submitted that in view of section 2(a) read with section 8A(1) of the Act of 1994 the State Scrutiny Committee had jurisdiction only to verify social status of a person in whose favour a certificate is issued under section 5 of the said Act. The Committee did not have jurisdiction to entertain any appeal against an order of cancellation of such certificate by the Certificate Issuing Authority under section 9(1) of the said Act. He submitted that pursuant to the directions given by the Apex Court in the case of [Kumari Madhuri Patila and another Vs. Addl. Commissioner, Tribal Development and others,](#) the State amended the Act of 1994 and incorporated the State Scrutiny Committee vide West Bengal Act 4 of 2007. The Amending Act defined the State Scrutiny Committee in section 2(a) of the Act of 1994 and laid down its powers and functions in section 8A(1) and 9(2) thereof.

13. In view of the aforesaid legislative scheme, he submitted State Scrutiny Committee could only verify social status of a person in whose favour a certificate is issued and not in respect of persons who had either been refused a certificate or

whose certificate had been cancelled in terms of section 9(1) of the Act. He submitted that other powers vested in the State Scrutiny Committee in terms of Section 8A(3) of the Act of 1994 are ancillary and/or incidental to the principal power envisaged in Section 8A(1) of the said Act and cannot be the source of a substantive power, namely, to sit over appeal against orders of cancellation passed by Certificate Issuing Authority under section 9(1) of the Act. He relied on [Bidi, Bidi Leaves" and Tobacco Merchants Association Vs. The State of Bombay,](#) . He further contended that after the amendment of the State law, powers and functions of the State Scrutiny Committee are circumscribed by statute and not by "judicial legislation" in Madhuri Patil (supra). In this regard he relied on [Dayaram Vs. Sudhir Batham and Others,](#) .

14. Reference has also been made to an unreported decision dated 3rd May, 2013 of the Apex Court in Registrar General, Calcutta High Court Vs. Shrinivas Prasad Shah and Ors.

15. Accordingly, he submitted that the State Scrutiny Committee had no jurisdiction in the matter and the impugned order passed by it ought to be set aside.

16. Mr. Chowdhury, learned advocate appearing for the respondent Nos. 14 to 17 submitted that the West Bengal Act 4 of 2007 amending the Act of 1994 was a consequence of the "judicial legislation" in Madhuri Patil (supra). Hence, the amending law has to be read in the light of the judicial dicta of the Apex Court and not in derogation thereof. He relied on an unreported decision of the Apex Court The Director of Tribal Welfare Vs. Laveti Giri (order dated 10.03.1997) in that regard. He further submitted that provisions under section 8A(3)(c)(e) and (i) of the Act of 1994 empowered the Committee to make due enquiry as to contravention of any provision of the Act of 1994 and to do such things or acts which are necessary and expedient for proper conduct of its functions. Illegal cancellation of the caste certificate of a member of the SC/ST community by the Certificate Issuing Authority dehors the provisions of the Act and rules framed thereunder is definitely an action in contravention of the provisions of the Act of 1994 and therefore the Committee is entitled to enquire into the same in exercise of the aforesaid powers and issue appropriate remedial directions in the matter. He further submitted that the powers and functions of the Committee ought not to be interpreted in a narrow and pedantic manner so as to defeat the purpose of the amending Act. The law ought to be interpreted to empower the Committee to enquire into the social status of any person in whose favour a certificate had been issued at any point of time. If there is no express bar in the Act then bearing in mind the social purpose for incorporating the "State Scrutiny Committee" such power has to be inferred.

17. In this regard, he relied on [The Bengal Immunity Company Limited Vs. The State of Bihar and Others,](#) , [Shail Kumari Devi and Another Vs. Krishan Bhagwan Pathak @ Kishun B. Pathak,](#) and [Central Potteries Ltd. Vs. State of Maharashtra and Others,](#) .

18. He strongly contended that cancellation of caste certificate was done in contravention of the provisions of the Act and the rules framed thereunder. Rule 3 of the State rules was not adhered to and no enquiry report of appropriate Officer of the Scheduled Castes and Scheduled Tribes Welfare Department was considered in terms of the said rule prior to cancellation.

19. Cancellation of a caste certificate has severe civil consequences. A member of the SC/ST community cannot be rendered remediless against illegal refusal/cancellation of a caste certificate by the statutory authority. Even if his client had approached the writ Court the matter would have been remitted to the State Scrutiny Committee for verification of the social status of the petitioner. Hence, there was no inherent lack of jurisdiction of the Committee to embark on such enquiry in case of illegal cancellation as in the instant case.

20. He relied on [State of Maharashtra and Others Vs. Ravi Prakash Babulalsing Parmar and Another,](#) unreported decisions, namely, Bholanath Nath Mahato Vs. The State of West Bengal and Ors (MAT No. 853 of 2009 with CAN 8205 of 2009 dated 10.08.2010), Anugeethi Vs. The Commissioner for Entrance Examination and Ors. (WA No. 1523 of 2011 in WP(C) No. 23785 of 2011 dated 11.02.2013), Hiranmoy Mondal Vs. The State of West Bengal and Ors.(WP No. 12212 (W) of 2007 dated 13.08.2008), Smt. Kakuli Ram (Pal) Vs. The State of West Bengal and Ors. (WP No. 4192 (W) of 2014 dated 18.02.2014) in support of such contention.

21. In order to appreciate the rival contentions of the parties it would be profitable to trace the history of legislation relating to the identification of members of scheduled caste and scheduled tribe in the State of West Bengal.

22. In order to identify members of scheduled castes and scheduled tribes in the State of West Bengal and for matters connected therewith and/or incidental thereto, the State enacted the "West Bengal Scheduled Caste and Scheduled Tribe (Identification) Act, 1994", that is, Act of 1994 which came into force on and from 1st October, 1994.

23. Section 5 of the said Act empowered the Sub-Divisional Officer of each Sub-Division and the District Magistrate, South 24-Parganas in respect of city of Kolkata to issue certificates in favour of a member of scheduled caste and scheduled tribe upon due enquiry in accordance with the Act and the rules framed thereunder.

24. Section 6 of the Act provided that such certificate shall be issued on an application made by a person in prescribed form and upon production of evidence in support thereof.

25. Section 7 empowered the concerned officers to refuse an application for grant of such certificate if he was not satisfied with the evidence produced by the person but after giving a reasonable opportunity of hearing to such person in that regard.

26. Section 8 provided that for an appeal against orders of refusal under section 7 of the Act to the District Magistrate or Additional District Magistrate in cases such refusal was by the Sub-Divisional Officer and to the Commissioner, Presidency Division and in case of refusal by the District Magistrate, South 24-Parganas in the city of Kolkata. Section 8(3) provides such appellate orders shall be final.

27. Section 9 of the Act empowered the Certificate Issuing Authority to cancel a certificate issued under section 5 if such certificate had been obtained by furnishing false information, misrepresentation or suppression of material information or by producing a forged document.

28. Statutory Rules, namely West Bengal Scheduled Caste and Scheduled Tribe (Identification) Rules, 1995 (hereinafter referred to as Rules of 1995) were framed and notified on 14th October, 1986. Rule 3 of the aforesaid Rules lays down the procedure for cancellation, revocation or impounding of a certificate issued under the Act.

29. About a month prior to the enforcement of the aforesaid Act, the Apex Court in [Kumari Madhuri Patila and another Vs. Addl. Commissioner, Tribal Development and others](#), being concerned with the rampant issuance of illegal caste certificates to undeserving persons thereby depriving genuine SC/ST/OBC candidates from availing constitutional benefits conferred upon them, issued directions for constitution of State Scrutiny Committees and the procedure to be followed in the matter of issuance of social caste certificate and scrutiny/approval of such certificates. Fifteen (15) directions were laid down by the Apex Court in that regard.

30. In a subsequent decision [Kum. Madhuri Patil and another Vs. Addl. Commissioner, Tribal Development, Thane and others](#), the Apex Court clarified some of the said directions and also approved the suggestion of the learned counsel appearing for the applicants that the aforesaid Committee may also go into questions of wrongful refusal of certificate to deserving applicants in addition to verification of cases of wrongful issuance of certificates as envisaged in Madhuri Patil-1.

31. From the aforesaid judicial pronouncements, it is clear that it was the intendment of the highest judicial authority that the State constitutes a plenary expert body which may effectively enquire into cases of wrongful issuance and/or refusal of certificates to applicants and undertake remedial and/or penal measures in connection therewith.

32. To achieve such end, the State of West Bengal amended the Act of 1994 by the amending Act, namely, West Bengal Act 4 of 2007 whereby it constituted "State Scrutiny Committee" and "Vigilance Cell" and laid down the powers and functions of the said authorities. Relevant provisions in that regard are set out hereinbelow.

"2.(a) "Committee" means the state scrutiny Committee constituted under section 8A for verification of social status of a person in whose favour a certificate is issued under section 5."

Constitute of State Scrutiny Committee and its

"8A.(1) The State Government may, by order, constitute a Committee to be called the state Scrutiny for verification of social status of a person in whose favour a certificate is issued under section 5.

(2) The Committee shall consist of the following members:-

(3) Subject to any agent or special order of the State Government, provisions of this Act and rules made thereunder, the Committee shall have powers-

a) to verify the social status of a person in whose favour a certificate is issued under section 5;

b) to issue direction to the Vigilance Cell constituted under section 8B;

c) to make an inquiry in connection with the contravention of any provision of this Act;

d) to issue notice to any person or authority in such manner as may be prescribed;

e) to call for information from any person or authority for the purpose of satisfying itself whether there has been any contravention of any provision of this Act or any rule or order made or direction issued thereunder;

f) to require any person or authority or produce or deliver any document or thing useful or relevant to the inquiry;

g) to examine any person acquainted with the facts and circumstances of the case;

h) to issue direction under sub-section (2) of section 9 to the certificate issuing authority;

i) to do such other things and perform such other acts not inconsistent with the provisions of this Act as may appear to be necessary or expedient for the proper conduct of its function, or which may be prescribed.

(4) The Committee shall meet as such place and time, and the meeting shall be conducted in such manner, as may be prescribed.

(5) All order or direction of the Committee shall be authenticated by the Chairperson or by such officer of the Committee as may be authorized by the Chairperson on this behalf.

Constitution of Vigilance Cell and its power

8B. (1) The state Government may, by order, constitute a Vigilance Cell for each district of the West Bengal.

(2) The Vigilance Cell shall consist of-

a) an Officer-in-charge not below the rank of Deputy Superintendent of Police, and
b) such number of investigating officers not exceeding three from amongst the police officers in the rank of Inspector.

(3) Subject to any general or special order of the State Government or the provisions of this Act and rules made thereunder, the Vigilance Cell shall have powers -

a) to inquire the cases relating to social status claims of a person in whose favour a certificate is issued under section 5;

b) to make an inquiry in connection with the contravention of any provision of this Act;

c) to issue notice to any person or authority in such manner as may be prescribed;

d) to call for information from any person or authority for the purpose of satisfying himself whether there has been any contravention of any provisions of this Act or any rule or order made or direction issued thereunder;

e) to require any person or authority to produce or deliver any document or thing useful or relevant to the enquiry;

f) to examine any person or authority acquainted with the facts and circumstances of the case;

g) to do such other things and perform such other acts not inconsistent with the provisions of this Act as may appear to be necessary or expedient for the proper conduct of its function, or which may be prescribed.

Power to cancel, impound or revoke certificate,

9.(1) If the certificate issuing authority is satisfied that a certificate under this Act has been obtained by any person by furnishing any false information or by misrepresenting any fact or by suppression any material information or by producing any document which is an act of forgery, it may cancel, impound or revoke such certificate in such manner as may be prescribed.

Amendment of section 9

(2) Notwithstanding anything contained in sub-section (1), if the Committee is satisfied that a certificate under this Act has been obtained by any persons by furnishing any false information or by misrepresenting any fact or by suppressing any material information or by producing any document is an act of forgery, it may issue a direction to the certificate issuing authority, in such manner as may be

prescribed, to cancel, impound or revoke such certificate and, on receipt of such direction, the certificate issuing authority shall, by order in writing, cancel, impound or revoke such certificate."

33. Section 2(a) of the Act of 1994 (as amended by West Bengal Act of 2007) defines the "State Scrutiny Committee". Section 8A of the Act defines the powers and functions of the said Committee. Section 9(2) of the Act empowers the Committee to cancel a caste certificate issued under section 5 of the Act in the manner provided therein notwithstanding the power of cancellation vested in the Certificate Issuing Authority under section 9(1) of the Act.

34. Relying on the aforesaid provisions, it has been argued that the power of the State Scrutiny Committee is to verify the social status of a person is restricted only to cases where caste certificates were wrongfully issued and is in existence at the time of such enquiry. It does not empower the Committee to hear appeals or receive complaints against illegal refusals and/or cancellations of such certificates by the Certificate Issuing Authority under section 9(1) of the Act. Remedy against cancellation of such certificate, if illegal, may lie before the writ Court but certainly not before the Committee. "Judicial legislation" in *Madhuri Patil - I* and *Madhuri Patil - II* (supra) must yield to statutory legislation and the powers and functions of the Committee is to be inferred from the clear words of the statute and not an observation in *Madhuri Patil - I* empowering the Committee to go into question of illegal refusal of caste certificate which is not in the nature of declaration of law under Article 141 of the Constitution.

35. In rebuttal it has been argued that when laws are amended pursuant to judicial pronouncements statutory provisions are to be interpreted in the light of such judicial dicta and not in derogation thereof.

36. In [Dayaram Vs. Sudhir Batham and Others](#), the Apex Court held that the directions in *Madhuri Patil* were issued under Article 32 read with Article 142 of the Constitution and were valid and binding. The Court, however, held as follows:

"35.This entire scheme in *Madhuri Patil* will only continue till the concerned legislature makes appropriate legislation in regard to verification of claims for caste status as SC/ST and issue of caste certificates, or in regard to verification of caste certificates already obtained by candidates who seek the benefit of reservation, relying upon such caste certificates."

37. Similar view is expressed in *Registrar General* (supra) (para 13).

38. In view of the aforesaid ratio, there can be no doubt that once the State sought to amend the Act of 1994 the powers of the State Scrutiny Committee is to be governed by the statutory provisions so brought into force.

39. However, while interpreting such statutory provisions "judicial legislation" which prompted such statutory change and which the subsequent legislation sought to

supplant ought to be borne in mind and be given fullest expression. Any interpretation which furthers such judicial dicta must be preferred and any other interpretation which restricts or negates the same ought to be eschewed.

40. Let me examine the statutory provisions in West Bengal Act 4 of 2007 in that light.

41. Section 2(a) of the Act defines the "Committee" as State Scrutiny Committee constituted under section 8A for verification of social status of a person in whose favour a caste certificate under section 5 is issued. Section 8A(2) provides that the Committee shall comprise of the Secretary of the Backward Classes Department as Chairperson, Commissioner, Directorate of Backward Classes Welfare or his authorised representative not below the rank of Deputy Director as Convenor and the Director, Cultural Research Institute, Backward Classes Welfare Department or his authorised representative as an Expert Member.

42. Sub-section (1) of section 8A empowers the said Committee to verify social status of a person in whose favour a certificate is issued under section 5 of the Act. Section 9(2) of the Act lays down that the Committee may upon due enquiry direct cancellation of a caste certificate procured upon false information, misrepresentation, suppression or forgery. Such provisions, however, are not exhaustive of the powers of the Committee. Sub-section (3) of section 8A provides for other powers of the said Committee too. Clause (c) of sub-section 8A(3) of the Act empowers the Committee to make an enquiry in connection with contravention of any provision of the said Act. Clause (e) thereof authorises the Committee to call for information from any person or authority for the purpose of satisfying itself whether there has been any contravention of any provisions of the Act or any Rule or order made thereunder and clause (i) gives power to the Committee to do such thing or act which are not in consistent with the provision of the law for the proper conduct of its functions which may appear to the Committee to be necessary or expedient for the proper conduct of its function.

43. Powers vested in the Committee under clauses (c), (e) and (i) of section 8A(3) are couched in the widest terms. It empowers the Committee to enquire into contravention of any provision of the Act, to seek information from any person or authority in that regard and to perform such other thing or act which may be necessary or expedient for exercise of its functions which are not in consistent with the Act. There is no express embargo/prohibition in the Act disentitling the Committee from enquiring into illegal cancellation of caste certificate by Certificate Issuing Authority under section 9(1) of the Act. Nor is an order of cancellation issued under section 9(1) of the Act final unlike an appellate order of refusal of caste certificate under section 7(3) of the Act.

44. In view of the socio-legal background leading to constitution of the Committee to weed out cases of illegal and unjust deprivation of deserving members of the

SC/ST community from their constitutional privileges, the high-powered composition of the Committee comprising of senior and experienced personnel and the wide and unfettered amplitude of the words employed in describing the powers of the Committee in sub-clauses(c), (e) and (i) of section 8A(3) of the Act one is persuaded to hold that such powers are independent and not ancillary or incidental to the power vested in the Committee under sub-section(1) of section 8A of the Act.

45. Hence, we are unable to accept the contention of the learned senior counsel of the appellants that the powers of the Committee enumerated in section 8A(3) of the Act are not substantive in nature but are ancillary and/or incidental to the powers of the Committee as provided in sub-section (1) of section 8A of the Act. The ratio in *Beedi Leaves* (supra) is therefore of no assistance to the appellants.

46. A conjoint reading of the aforesaid provisions would make it clear that the intention of the legislature was not to restrict the power of the State Scrutiny Committee merely to verify social status of persons in whose favour a certificate has been illegally issued under section 5. The Committee is empowered to look into all contraventions of any provisions of the Act. An illegal cancellation of a caste certificate issued under section 5 of the Act to a member of the SC/ST community without following the procedure laid down in section 9(1) read with Rule 3 of the State Rules (as alleged in this case) is undoubtedly a contravention of the provisions of the Act which would be amenable to the supervisory jurisdiction of the Committee under section 8A(3)(c)(e) and (i) of the Act.

47. It is trite law that social legislations are to be interpreted in a manner so that the benefits under the said law may be extended to the members of the socially backward community which it seeks to protect. Reference may be made to [Pandey Orson Vs. Ram Chander Sahu and others](#), where the Apex Court while interpreting beneficial provisions of Chhotanagpur Tenancy Act enacted to protect the property rights of Scheduled Caste community held as follows:

"7. The provision is beneficial and the legislative intention is to extend protection to a class of citizens who are not in a position to keep their property to themselves in the absence of protection. Therefore, when the legislature is extending special protection to the named category, the Court has to give a liberal construction to the protective mechanism which would work out the protection and enable the sphere of protection to be effective than limit by (sic) the scope."

48. Act of 1994 is a social legislation to identify and acknowledge the status of members of the scheduled caste and scheduled tribe by issuing certificates under section 5 of the said Act so that they may enjoy constitutional privileges reserved for them.

49. Unjust and/or unfair cancellation of such status by an authority without following the procedure laid down in the Act and the Rules framed thereunder would result in grave injustice to such member of the socially and educationally

backward community.

50. State Scrutiny Committee is a high powered expert body comprising of the most experienced personnel who have the requisite expertise, experience and machinery at their disposal to make proper enquiry into the social status of an individual whose caste certificate has been illegally cancelled by the Certificate Issuing Authority in contravention of the procedure provided under the Act and the rules framed thereunder. To denude the Committee of such jurisdiction by merely referring to the definition clause in Section 2(a) or its powers under section 8A(1) of the Act would render the powers engrafted in clauses (c), (e) and (i) of section 8A(3) otiose and redundant. Such an interpretation would also militate against the real intention of the legislature and deprive a deserving member of the SC/ST community from ventilating his grievances under the statutory scheme against illegal cancellation of his caste certificate in contravention of the provisions of the Act before the high-powered expert body which is best suited to enquire into such contraventions. To hold otherwise would defeat both the letter and spirit of the law which seeks to create a plenary expert body to verify social status of individuals and ensure that the deserving members of SC/ST community are not deprived of their just constitutional privileges.

51. For the aforesaid reasons, it is opined that the Committee has jurisdiction to enquire into complaints of illegal cancellation of caste certificate by the Certificate Issuing Authority in contravention of the provisions of the Act under section 9(1) of the Act and undertake verification of the social status of the aggrieved person in connection therewith.

52. Accordingly, the appeal is dismissed and the judgement and order passed by the learned Single Judge is upheld.

Manjula Chellur, C.J.

I agree.