



GAHC010151592023

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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/3975/2023**

KANAKLATA CHAUHAN AND 11 ORS  
ROLL NO. 1143614, REP. BY HER FATHE SHREERAM CHAUHAN, VILL.  
WATIJOR NO.2, P.S. KHERONI, DIST. WEST KARBI ANGLONG, ASSAM.

2: SUMIT SINGH  
ROLL NO. 1143641  
REP. BY HIS FATHER SRI HARIKANT SINGH  
VILL. WATIJOR  
P.O. WATIJOR  
P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM.

3: PAWAN KUMAR CHAUHAN  
  
ROLL NO. 1143702  
REP. BY HIS FATHER PRAKASH CHAUHAN  
VILL. WATIJOR  
P.O. WATIJOR  
P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM.

4: MANISH CHAUHAN  
ROLL NO.1143512  
REP. BY HIS FATHER MANGALSING CHAUHAN  
VILL. MAILOO  
P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM.

5: RITESH SINGH



ROLL NO.1143675  
REP. BY HIS FATHER BIR BAHADUR SINGH  
VILL. MAJHBASTI  
P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM.

6: ROSON SINGH  
ROLL NO. 1143715  
REP. BY HIS FATHER RAJESH SINGH  
VILL. MAJHBASTI  
P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM.

7: ANURAG KUMAR CHAUHAN  
ROLL NO. 1143643  
REP. BY HIS FATHER RAJ KUMAR CHAUHAN  
VILL. BOGORIGHAT  
P.O. JENGKHA  
P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM.

8: ANAND KUMAR CHAUHAN  
ROLL NO. 1143668  
REP. BY HIS FATHER BANSHILAL CHAUHAN  
VILL. LAMBAPATHAR NO.2  
P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM.

9: ANSHU CHAUHAN  
ROLL NO.1143636  
REP. BY SANTARAJ CHAUHAN  
VILL. MAILLOO BASTI BIHARI GAON  
P.O. MAILLOO

P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM.

10: SUNITA CHAUHAN  
REP. BY HER FATHER MUNNA CHAUHAN  
VILL. MAILLOO  
P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM.



11: KUM KUM KUMARI  
ROLL NO.1143616  
REP. BY HER FATHER SILENDRA CHAUHA  
VILL. DIKHLEM MAZGAON  
P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM.

12: ADITYA KUMAR CHAUHAN  
ROLL NO. 1143631  
REP. BY HIS FATHER SRI NANDALAL CHAUHAN  
VILL. DAYANG MUKH  
P.O. DAYANG MUKH  
P.S. KHERONI  
DIST. WEST KARBI ANGLONG  
ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS  
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF INDIA,  
MINISTRY OF HUMAN RESOURCE DEVELOPMENT, NEW DELHI.

2:NAVODAYA VIDYALAYA SAMITI  
REP. BY ITS CHAIRMAN HAVING ITS HEAD OFFICE AT B-15  
INSTITUTIONEL AREA  
SECTOR 62  
NOIDA  
PIN-201307  
UTTAR PRADESH.

3:THE DEPUTY COMMISSIONER

REGIONAL OFFICE  
NOVODAYA VIDYALAYA SAMITI  
SHILLONG  
BARIK POINT  
TEMPLE ROAD  
LOWER LACHUMIERE  
SHILLONG  
PIN-793001  
MEGHALAYA.

4:THE PRINCIPAL

JAWAHAR NAVODAYA VIDYALAYA  
BAITHALANGSO



WEST KARBI ANGLONG  
P.O. HONGKRAM  
P.S. BAITHALANGSO  
PIN-782450  
DIST. WEST KARBI ANGLONG.

5:THE DEPUTY COMMISSIONER

WEST KARBI ANGLONG CUM CHAIRMAN  
JNV  
BAITHALANGSO  
P.O. AND P.S. HAMREN  
DIST. WEST KARBI ANGLONG  
ASSAM.

6:THE COMMISSIONER AND SECY.

WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEVELOPMENT  
DISPUR  
GUWAHATI  
DIST. KAMRUP (M)  
ASSAM.

7:THE STATE LEVEL CASTE SCRUTINY COMMITTEE

REP. BY ITS CHAIRMAN  
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEVELOPMENT  
DISPUR  
GUWAHATI  
DIST. KAMRUP (M)  
ASSAM

**Advocate for the Petitioner : MR. R BORA**

**Advocate for the Respondent : DY.S.G.I.**

Linked Case : WP(C)/3976/2023

SUMIT CHAUHAN AND 8 ORS.  
(MINOR)  
REP. BY HIS FATHER BISARJAN CHAUHAN  
VILL.- LONGSEKJAN  
P.O.- SHYAM PATHAR



DIST.- KARBI ANGLONG  
ASSAM.

2: SADHANA CHAUDHARI  
(MINOR)

REP. BY HER FATHER BRAJNANDAN KUMAR CHADHARI  
VILL.- BALIJAN BAJAR BASTI  
P.O.- BAKALIA  
P.S.- BAKALIA  
DIST.- KARBI ANGLONG  
ASSAM.

3: RAKESH SINGH  
(MINOR)

REP. BY HIS FATHER RAJESH SINGH  
VILL.- PUB SILPUTA CHAUHAN BASTI  
DIST.- KARBI ANGLONG  
ASSAM.

4: GUNJAN CHAUHAN  
(MINOR)

REP. BY HIS FATHER NANDU CHAUHAN  
VILL.- PUB SILPUTA CHAUHAN BASTI  
DIST.- KARBI ANGLONG  
ASSAM.

5: AADIT KUMAR CHAUHAN  
(MINOR)

REP. BY HIS FATHER SARVESH KUMAR CHAUHAN  
VILL.- PUB SILPUTA CHAUHAN BASTI  
DIST.- KARBI ANGLONG  
ASSAM.

6: ANAND CHAUHAN  
(MINOR)

REP. BY HIS FATHER JATAN CHAUHAN  
R/O HOWRAGHAT  
P.S.- HOWRAGHAT  
DIST.- KARBI ANGLONG  
ASSAM.

7: PUSHPA RAJ CHAUHAN  
(MINOR)

REP. BY HIS FATHER PRITHIRAJ CHAUHAN  
VILL.- HALADHIATI  
BAKULIA GHAT  
DIST.- KARBI ANGLONG  
ASSAM.



8: ADITYA SINGH  
(MINOR)  
REP. BY HIS FATHER INDRA PRASAD SINGH  
VILL.- PUB SILPUTA CHAUHAN BASTI  
DIST.- KARBI ANGLONG  
ASSAM.

9: DIPANJIT SINGH  
(MINOR)  
REP. BY HIS FATHER RAMA SHANKAR SINGH  
VILL.- ATIGAON  
P.O. AND P.S.- BAKALIA  
DIST.- KARBI ANGLONG  
ASSAM.  
VERSUS

THE UNION OF INDIA AND 6 ORS.  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF INDIA  
MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
NEW DELHI.

2:NAVODAYA VIDYALAYA SAMITI  
REP. BY ITS CHAIRMAN HAVING ITS HEAD OFFICE AT B-15  
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3:THE DEPUTY COMMISSIONER

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MEGHALAYA.  
4:THE PRINCIPAL

JAWAHAR NAVODAYA VIDYALAYA  
DIPHU  
KARBI ANGLONG  
P.O. DIBHU  
P.S. DIPHU  
PIN-782450



DIST. KARBI ANGLONG.  
5:THE DEPUTY COMMISSIONER

KARBI ANGLONG CUM CHAIRMAN  
JNV

DIPHU  
P.O. AND P.S. DIPHU  
DIST. KARBI ANGLONG  
ASSAM.

6:THE COMMISSIONER AND SECRETARY  
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEVELOPMENT  
DISPUR  
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7:THE STATE LEVEL CASTE SCRUTINY COMMITTEE

REP. BY ITS CHAIRMAN  
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEVELOPMENT  
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GUWAHATI  
DIST. KAMRUP (M)  
ASSAM.

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Advocate for : MR. R BORA  
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 6 ORS.

BEFORE  
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

**JUDGMENT & ORDER (ORAL)**

**Date : 05.12.2023**

Heard Mr. R. Bora, learned counsel for the petitioners. Also heard Ms. K. Phukan, learned counsel for the respondent in the Ministry of Human Resource Development Department of Government of Assam, Ms. R.S. Choudhury, learned counsel for the respondents in the Navodaya Vidyalaya Samiti, Mr. P. Saikia, learned Junior Government Advocate for the Deputy Commissioner, West



Karbi Anglong and Mr. R.M. Das, learned counsel for the respondents in the Social Justice and Empowerment Department of Government of Assam who has entered appearance for the respondent No. 6.

2. Although respondent No. 6 is depicted to be the Commissioner and Secretary to the Government of Assam in the Welfare of Plain Tribes and Backward Classes Development, it is clarified that the Welfare of Plain Tribes and Backward Classes Development Department has been bifurcated and the Department of Social Justice and Empowerment is one of the departments as a result of the bifurcation and the subject matter involved in the present writ petitions regarding the caste certificates of the candidates claiming to be belonging to the Tea Garden Labourer/Ex-Tea Garden Labourer community are within the purview of the Department of Social Justice and Empowerment.

3. Twelve petitioners have jointly filed this writ petition claiming that they respectively belong to the Nonia community and Koiri community. All the petitioners upon passing their Class V Annual Examination from the respective schools applied through the online mode for selection for admission to Class VI in the Jawahar Navodaya Viyalaya and accordingly, participated in the Jawahar Navodaya Vidyalaya selection test. Upon such applications, admit cards were issued to them, participated in the selection test and as per the provisional select list dated 19.06.2023 they were shown to have been selected for the admission. In order to carry forward the admission process there is a requirement from the authorities in Navodaya Vidyalaya Samiti for production of the relevant certificates from the competent authorities in respect, amongst others, of the candidates claiming admission as the Other Backward Classes (in short, OBC) candidates.



4. The petitioners accordingly produced their respective OBC certificates issued to their fathers/parents/guardians, which are annexed as Annexure-C series to the writ petition. All such certificates were issued under the signature of the President/General Secretary of the All Assam Other Backward Classes Association and it also contains the counter signature of the Deputy Commissioner of Karbi Anglong district. But the respondents in the Jawahar Navodaya School Samiti did not accept the OBC certificates issued to the respective fathers/parents/guardians of the petitioners by referring to Clause 3.6 of the school prospectus. As there is a requirement of the certificates having issued in the name of the candidates, the petitioners applied for their respective certificates but the concerned authorities had not issued the certificates.

5. In the circumstance, writ petition WP(C)/3975/2023 has been instituted seeking for a direction to the respondent No. 4 being the authorities in the Jawahar Navodaya Vidyalaya to allow the petitioners to be admitted in Class VI with a further prayer for a direction to the Deputy Commissioner, Karbi Anglong, Hamren to do the needful for issuing the OBC certificates in favour of the petitioners. The respondents in the Jawahar Navodaya Vidyalaya Samiti filed an affidavit-in-opposition taking a stand that the petitioners by claiming to be belonging to the Nonia and Koiri communities otherwise do not belong to the OBC category unless their claims fall under Entry 24 of the list of OBC candidates in the State of Assam as per the Gazette Notification Regd. No. D.L. 33004/93 dated 13.09.1993 of the Government of Assam.

6. Entry 24 of the Gazette Notification Regd. No. D.L. 33004/93 dated 13.09.1993 is extracted as below:

*"24. Tea Garden Labourers,  
Tea Golden Tribes,*

*Ex-Tea Garden Labourers*

*& Ex- Tea Garden*

*Tribes as listed below:*

|     |             |        |    |
|-----|-------------|--------|----|
| 1.  | Ahirgoala   | 24(1)  | 41 |
| 2.  | Arya Mala   | 24(2)  | 2  |
| 3.  | Asur        | 24(3)  | 3  |
| 4.  | Barbai      | 24(4)  | 6  |
| 5.  | Basphor     | 24(5)  | 12 |
| 6.  | Bhokta      | 24(6)  | 20 |
| 7.  | Bauri       | 24(7)  | 13 |
| 8.  | Bowri       | 24(8)  | 27 |
| 9.  | Bhuyan      | 24(9)  | 22 |
| 10. | Bhumij      | 24(10) | 21 |
| 11. | Bedia       | 24(11) | 15 |
| 12. | Beldar      | 24(12) | 16 |
| 13. | Bharaik     | 24(13) | 17 |
| 14. | Bhatta      | 24(14) | 18 |
| 15. | Basor       | 24(15) | 11 |
| 16. | Balga       | 24(16) | 4  |
| 17. | Baijara     | 24(17) | 5  |
| 18. | Bhil        | 24(18) | 19 |
| 19. | Bondo       | 24(19) | 26 |
| 20. | Binjia      | 24(20) | 23 |
| 21. | Birhar      | 24(21) | 24 |
| 22. | Birjia      | 24(22) | 25 |
| 23. | Beddi       | 24(23) | 14 |
| 24. | Chamar      | 24(24) | 28 |
| 25. | Chowdhari   | 24(25) | 32 |
| 26. | Chere       | 24(26) | 29 |
| 27. | Chick Banik | 24(27) | 30 |

|     |                  |        |    |
|-----|------------------|--------|----|
| 28. | <i>Dandari</i>   | 24(28) | 34 |
| 29. | <i>Dandasi</i>   | 24(29) | 35 |
| 30. | <i>Dusad</i>     | 24(30) | 38 |
| 31. | <i>Dhanwar</i>   | 24(31) | 37 |
| 32. | <i>Ganda</i>     | 24(32) | 39 |
| 33. | <i>Gonad</i>     | 24(33) | 45 |
| 34. | <i>Gond</i>      | 24(34) | 46 |
| 35. | <i>Ghansi</i>    | 24(35) | 42 |
| 36. | <i>Gorait</i>    | 24(36) | 48 |
| 37. | <i>Ghatowar</i>  | 24(37) | 43 |
| 38. | <i>Hari</i>      | 24(38) | 49 |
| 39. | <i>Holra</i>     | 24(39) | 50 |
| 40. | <i>Jolha</i>     | 24(40) | 52 |
| 41. | <i>Keot</i>      | 24(41) | 61 |
| 42. | <i>Koiri</i>     | 24(42) | 69 |
| 43. | <i>Khonyor</i>   | 24(43) | 67 |
| 44. | <i>Kurni</i>     | 24(44) | 80 |
| 45. | <i>Kawar</i>     | 24(45) | 59 |
| 46. | <i>Karmali</i>   | 24(46) | 57 |
| 47. | <i>Korwa</i>     | 24(47) | 73 |
| 48. | <i>Kol</i>       | 24(48) | 70 |
| 49. | <i>Kalshandi</i> | 24(49) | 53 |
| 50. | <i>Kalihandi</i> | 24(50) | 54 |
| 51. | <i>Kotval</i>    | 24(51) | 74 |
| 52. | <i>Kharia</i>    | 24(52) | 63 |
| 53. | <i>Kumhar</i>    | 24(53) | 78 |
| 54. | <i>Kherwar</i>   | 24(54) | 64 |
| 55. | <i>Khodal</i>    | 24(55) | 65 |
| 56. | <i>Khond</i>     | 24(56) | 66 |

|     |                    |        |     |
|-----|--------------------|--------|-----|
| 57. | <i>Koya</i>        | 24(57) | 75  |
| 58. | <i>Kondpan</i>     | 24(58) | 71  |
| 59. | <i>Kohar</i>       | 24(59) | 68  |
| 60. | <i>Kormakar</i>    | 24(60) | 72  |
| 61. | <i>Kashan</i>      | 24(61) | 58  |
| 62. | <i>Lahar</i>       | 24(62) | 81  |
| 63. | <i>Lodha</i>       | 24(63) | 83  |
| 64. | <i>Lodhi</i>       | 24(64) | 84  |
| 65. | <i>Madari</i>      | 24(65) | 86  |
| 66. | <i>Mahil</i>       | 24(66) | 89  |
| 67. | <i>Mohali</i>      | 24(67) | 98  |
| 68. | <i>Modi</i>        | 24(68) | 97  |
| 69. | <i>Mahato</i>      | 24(69) | 87  |
| 70. | <i>Malpatharia</i> | 24(70) | 92  |
| 71. | <i>Manki</i>       | 24(71) | 94  |
| 72. | <i>Majwar</i>      | 24(72) | 91  |
| 73. | <i>Mirdhar</i>     | 24(73) | 96  |
| 74. | <i>Munda</i>       | 24(74) | 101 |
| 75. | <i>Nonia</i>       | 24(75) | 110 |
|     | <i>Nunia</i>       |        |     |
| 76. | <i>Nagasia</i>     | 24(76) | 104 |
| 77. | <i>Nagbansi</i>    | 24(77) | 105 |
| 78. | <i>Nath</i>        | 24(78) | 107 |
| 79. | <i>Oraon</i>       | 24(79) | 111 |
| 80. | <i>Pasi</i>        | 24(80) | 116 |
| 81. | <i>Paidi</i>       | 24(81) | 112 |
| 82. | <i>Pan</i>         | 24(82) | 114 |
| 83. | <i>Panika</i>      | 24(83) | 113 |
| 84. | <i>Parja</i>       | 24(84) | 115 |

|                       |        |      |
|-----------------------|--------|------|
| 85. <i>Patratanti</i> | 24(85) | 117  |
| 86. <i>Pradhan</i>    | 24(86) | 118  |
| 87. <i>Rajwar</i>     | 24(87) | 121  |
| 88. <i>Sahora</i>     | 24(89) | 122  |
| 89. <i>Santhal</i>    | 24(90) | 124  |
| <i>Santal</i>         |        |      |
| 90. <i>Sarvera</i>    | 24(91) | 125  |
| 91. <i>Turi</i>       | 24(92) | 135  |
| 92. <i>Telenga</i>    | 24(93) | 131  |
| 93. <i>Tassa</i>      | 24(94) | 130  |
| 94. <i>Tantubai</i>   | 24(95) | 129  |
| 95. <i>Teli</i>       | 24(96) | 132  |
| 96. <i>Tanti</i>      | 24(97) | 128" |

7. In the said Gazette Notification under the column name of castes/communities (including sub-castes/synonyms in the common list) in Entry 24 is Tea Garden Labourers, Tea Garden Tribes, Ex-Tea Garden Labourers and Ex-Tea Garden Tribes (in short, TGL/TGT/Ex-TGL/Ex-TGT) as enlisted which comprises of 96 different communities.

8. A reading of Entry 24 of the Notification dated 13.09.1993 makes it discernable and explicit that the 96 communities enlisted under Entry 24 are independently not recognized and accepted as OBC in the State of Assam. On the other hand, it is the TGL/TGT/Ex-TGL/Ex-TGT who are the enlisted and recognized as OBC in the State of Assam, subject to the condition that they also belong to any of the 96 communities as enlisted in Entry 24. In other words, merely by virtue of belonging to any of the 96 enlisted communities, a person will not be recognized to be an OBC in the State of Assam under Entry 24 of the Notification, until and unless the claimant at first instance also shows that he

belongs to TGL/TGT/Ex-TGL and EX-TGT.

9. In the instant case, the petitioners claim to be belonging to the OBC category by referring to the certificates issued to their respective fathers/parents/guardians that they belong to either Nonia community or Koiri community but such certificates *ipso facto* do not certify that the fathers/parents/guardians of the petitioners do belong to the TGL, TGT, Ex-TGL/Ex-TGT. It only certifies that they may belong to the Nonia community or the Koiri community.

10. As this writ petition is instituted with a prayer seeking a direction to the Deputy Commissioner, Karbi Anglong for issuing a certificate that the petitioners belong to the OBC category under Entry 24 of the Notification dated 13.09.1993 and also taking note of the stand in the affidavit-in-opposition of the respondents in the Navodaya Vidyalaya Samiti, by our earlier order dated 11.09.2023, we required the views of the authorities in the Social Justice and Empowerment Department of the Government of Assam. Accordingly, Ms. Binita Pegu, the Secretary to the Government of Assam in the Social Justice and Empowerment Department by remaining personally present had expressed her views as regards the interpretation of the provisions of Clause 24 of the Notification dated 13.09.1993. As stated by the Secretary to the Government of Assam in the Social Justice and Empowerment Department before the Court, as well as upon examining the respective certificates issued to the fathers/parents/guardians of the petitioners, it prima facie appears that the determination made by the authorities while issuing the certificates was only in respect as to whether the person seeking the issuance of the certificate belong to any of the 96 enlisted communities under Entry 24 of the Notification dated 13.09.1993 without complying with the pre-required determination as to

whether the person seeking for the certificates does belong to the TGL/TGT/Ex-TGL/Ex-TGT. In other words no determination had been made whether they belong to TGL/TGT/Ex-TGL/Ex-TGT.

11. In the circumstance, we also required the Deputy Commissioner, West Karbi Anglong district to remain present before the Court to explain the procedure that had been adopted for issuing such certificates. On 12.09.2023, Ms. Madhumita Bhagawati, Deputy Commissioner of Karbi Anglog stated before the Court that the OBC certificates which are issued are counter signed by the Deputy Commissioner without any further verification as regards the authenticity of the claim of the respective claimants that they belong to the TGL/TGT/Ex-TGL/Ex-TGT and nor any verification is made as to whether they also belong to any of the 96 enlisted communities under Entry 24. The Deputy Commissioner also candidly made a statement before the Court that no such verification process is adopted as to whether the applicants do actually belong to the TGL/TGT/Ex-TGL/Ex-TGT.

12. In order to understand the interpretation of Entry 24 of the Notification dated 13.09.1993, we also heard learned Dy.S.G.I. for the Union of India as the Notification dated 19.09.1993 is a Notification of the Government of India. It is the categorical submission of Mr. R.K.D. Choudhury, learned Dy.S.G.I. that if a person merely establishes that he belongs to any of the 96(ninety six) enlisted communities for establishing that he also belongs to the category of TGL/TGT/Ex-TGL/Ex-TGT, such person would not be accepted to be an OBC in the State of Assam under Entry 24 of the Notification dated 13.09.1993.

13. To understand as to which category of person would be categorized to be belonging to the TGL/TGT/Ex-TGL/Ex-TGT category in the State of Assam, we have perused certain materials made available by the Law Research Institute of

the Gauhati High Court which provides for the origin of the TGL/TGT/Ex-TGL/Ex-TGT that it goes back to the British colonial era when certain people belonging to the Adivasi communities of Odisha, Jharkhand, West Bengal, parts of Andhra Pradesh and Chhattisgarh were brought to the State of Assam for the purpose of menial work as labourers in the tea gardens of Assam. An extract from a research paper made available by the Law Research Institute is quoted below:

*“More than a century and half ago menial labour from the eastern regions of India (presently the states like Odisha, Jharkhand, West Bengal, parts of Andhra Pradesh and Chhattisgarh), were brought to work in the tea gardens of Assam during the colonial period, as long community were averse to work as labour in the tea gardens, through labour contractors by giving false promises of getting better quality of life (Baruah, 2008). They mostly belonged to from different indigenous communities (Adivasi Communities- known as Scheduled Tribes in the post independence period) and other marginalized communities like Dalits (knowns as Scheduled Castes in the post-independence period) and others (Non-scheduled communities, who are classified now as other backward classes).”*

14. The origin of the TGL/TGT/Ex-TGL/Ex-TGT makes it explicit that in order to belong to the category of TGL/TGT/ Ex-TGL/Ex-TGT, the claimant or the predecessor-in-interest of the claimant would necessarily have to be a labourer in any of the tea gardens in the State of Assam. In other words, in order to be included in Entry 24 of the Notification dated 13.09.1993, there is a pre-requisite that the claimant must satisfy that either the claimant himself or herself or any of their predecessor is or was a tea garden labourer in any tea gardens of Assam.

15. Reservation is a constitutional concept to favour certain backward communities so as to enable such communities to overcome the inherent backwardness due to any historical, social or economic causes or any other acceptable and recognized cause. From the constitutional point of view, a



benefit of reservation that may be meted to any community would have to be understood for uplifting such community from its inherent backwardness. From such constitutional concept if the State enlists any community to be backward for the purpose of meting out the benefits of reservation either as a Scheduled Caste, Scheduled Tribe or Other Backward Class, a scrupulous and unbiased enquiry/verification is also a requirement of the Constitution as to whether the person who claims to be belonging to any such enlisted reserved community do actually and factually belong to such community.

16. In the circumstance, before issuing any certificate to any person that they belong to a particular community which may be enlisted as a backward community either as a Scheduled Caste, Scheduled Tribe or Other Back Class, there is a corresponding constitutional requirement for a thorough verification on the claim of such person as to whether they actually and factually do belong to any of the enlisted community.

17. In the absence of a thorough verification as to whether the person does actually belong to the community to which he claims to be belonging, there would be a possibility that the persons who actually do not belong to such community would be issued a certificate and based upon such certificate, would claim and be entitled to the benefits of reservation which constitutionally is meted out only to such enlisted communities. In other words, if a person who actually does not belong to the particular community through any means obtains a certificate, irrespective of whether the certificate is actually issued by the authority which is otherwise authorized to issue such certificate, it would be a constitutional fraud.

18. The Hon'ble Supreme Court in its pronouncement rendered in *Kumari Madhuri Patil & Anr. Vs. Addl. Commissioner, Tribal Development & Ors.*,

reported in (1994) 6 SCC 241, in paragraph 13 thereof is of the view that any admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily had the effect of depriving the genuine Scheduled Caste, Scheduled Tribe or OBC candidates as enjoined in the Constitution of the benefits conferred on them by the Constitution and the genuine candidates would be denied admission to educational institutions or appointments to office or posts under a State. The Hon'ble Supreme Court also took note that the ineligible or spurious persons who falsely gained Entry often resort to dilatory tactics or create hurdles in completion of the inquiries as regards the genuineness of the caste certificates. The Hon'ble Supreme Court also accepted the situation that the applications for admission to educational institutions are generally made by a parent since on such date the student may be a minor and in such circumstance, it is the parent or the guardian who plays fraud claiming false status certificate.

19. From the propositions laid down by the Hon'ble Supreme Court in paragraph 13 of its judgment in *Kumari Madhuri Patil (supra)*, it is an accepted situation that even the Hon'ble Supreme Court had accepted the possibility of a constitutional fraud by such ineligible or spurious persons who falsely claim to be belonging to a particular community which is enlisted for the purpose of reservation benefits under the Constitution.

20. From the stand of the Secretary to the Government of Assam in the Social Justice and Empower Department as well as the Deputy Commissioner of Karbi Anglong before the Court, it has to be accepted that while issuing certificates to persons as OBC for availing the benefits of reservation under Entry 24 of the Notification dated 13.09.1993, no determination is made by the authorities issuing the certificates as to whether the person does actually belong to the

TGL, TGT, Ex-TGL and Ex-TGT category and the certificates are issued merely on the premises that the applicant does belong to any of the 96(ninety six) communities enlisted under Entry 24 of the Notification dated 13.09.1993.

21. If a certificate is issued only on the premises that the person concerned belongs to any of the 96(ninety six) enlisted communities under Entry 24 without making a determination whether the person does belong to the TGL/TGT/Ex-TGL/Ex-TGT category, such certificates that may be issued or sought to be issued and to be used for the benefit of reservation under Entry 24 of the Notification dated 13.09.1993 would have to be understood to be ineligible or spurious, as well as that a fraud is being committed or sought to be committed under a false status certificate.

22. We have been told that the only examination that is done before the certificates are signed in the Office of the Deputy Commissioner is as to whether the certificates have been issued under the signature of the authorities authorized to issue the certificates and as the certificates are issued by the authorities authorized to issue the certificates, therefore the certificates are termed to be genuine certificates. But without the determination in respect of a certificate to be used under Entry 24 of the Notification dated 13.09.1993 as to whether the person concerned or his/her predecessor-in-interest also do belong to the TGL/TGT/Ex-TGL/Ex-TGT category, under the law, as indicated above, it has to be understood that even such certificate issued under the signature of the authorized authority would be a false status certificate, meaning thereby that the person claiming the benefit of reservation under such certificate would be ineligible and also to be a spurious person having committed a fraud.

23. In a related matter where the benefits of admission to the 1<sup>st</sup> year MBBS

course were sought for on the basis of such certificates which were claimed to have been issued by the authorities authorized to issue such certificates, but without any determination as to whether the person does belong to the TGL/TGT/Ex-TGL/Ex-TGT category, an order was passed requiring the authorities to make a verification through the State Level Caste Scrutiny Committee as to whether such certificate holders do belong to the TGL/TGT/Ex-TGL/Ex-TGT category. In respect of such order, Mr. R.M. Das, learned counsel for the Social Justice and Empower Department has produced an order dated 19.10.2023 in WA No. 390/2023 and other writ appeals which are stated to be pertaining to the order requiring a verification of the caste certificates by the State Level Caste Scrutiny Committee.

24. We have perused the order dated 19.10.2023 in WA No. 390/2023 and other writ appeals of the Division Bench of this Court and upon perusal of the order firstly, it is discernible that the core issue determined in the order dated 19.09.2023 in WP(C) No. 5340/2023 requiring the requirement of a determination to be made by the State Level Caste Scrutiny Committee as to whether the claimants or the certificate holders do belong to the TGL/TGT/Ex-TGL/Ex-TGT category has not been disturbed by the Division in any manner and the Division Bench only ventured into as to whether the time limit provided in the order was adequate enough and was of the view that as per the judgment rendered by the Hon'ble Supreme Court in *Kumari Madhuri Patil (supra)*, a time limit of three months was ought to have given and therefore the prescribed time limit in the said order was not adequate.

25. We are not expressing any view on the said proposition of the Division Bench regarding a time limit of three months, other than referring to paragraph 13 of the judgment rendered by the Hon'ble Supreme Court in *Kumari Madhuri*

*Patil (supra)* that it is necessary that the status certificates issued are scrutinized at the earliest by the State Level Caste Scrutiny Committee and with utmost expedition and promptitude, by further providing that preferably such proceeding should be on a day to day proceeding basis if possible, but under no such circumstance to exceed a period of two months with a further one month time given to the respective candidates to object any such view that may be formed by the State Level Caste Scrutiny Committee. In this respect, paragraph 13 of the judgment rendered by the Hon'ble Supreme Court in *Kumari Madhuri Patil (supra)* is extracted as below:

*“13. The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates as enjoined in the Constitution of the benefits conferred on them by the Constitution. The genuine candidates are also denied admission to educational institutions or appointments to office or posts under a State for want of social status certificate. The ineligible or spurious persons who falsely gained Entry resort to dilatory tactics and create hurdles in completion of the inquiries by the Scrutiny Committee. It is true that the applications for admission to educational institutions are generally made by a parent, since on that date many a time the student may be a minor. It is the parent or the guardian who may play fraud claiming false status certificate. It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following:*

- 1. The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than at the Officer, Taluk or Mandal level.*
- 2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.*
- 3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into*

*educational institution or an appointment to a post.*

*4. All the State Governments shall constitute a Committee of three officers, namely, (I) an Additional or Joint Secretary or any officer high-er in rank of the Director of the department concerned, (II) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.*

*5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the pro forma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.*

*6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be "not genuine" or 'doubtful' or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case, the candidate seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Additional Secretary as Chairperson who shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through counsel, the Committee may make such inquiry as it deems expedient and consider the claims vis-à-vis the objections*

*raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.*

*7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.*

*8. Notice contemplated in para 6 should be issued to the parents/guardian also in case candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social status certificates.*

*9. The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.*

*10. In case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.*

*11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.*

*12. No suit or other proceedings before any other authority should lie.*

*13. The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case, as per its procedure, the writ petition/miscellaneous petition/matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Division Bench but subject to special leave under Article 136.*

*14. In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making false claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or Parliament.*

*15. As soon as the finding is recorded by the Scrutiny Committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the educational institution concerned or the appointing authority by registered post with acknowledgement*



*due with a request to cancel the admission or the appointment. The Principal etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate from further study or continue in office in a post."*

26. Other than the time frame referred above in *Kumari Madhuri Patil (supra)*, what is more relevant is the stringent observations and the core provision laid down by the Hon'ble Supreme Court that upon an ineligible or spurious person gaining false Entry for admission or appointment in a post under the State, it has the effect of depriving the genuine Scheduled Caste, Scheduled Tribe or OBC candidates as enjoined in the Constitution of the benefits conferred upon them by the Constitution. In other words, an ineligible or spurious person by fraudulently obtaining and claiming to be belonging to a reserved category community would commit a further constitutional fraud of depriving the genuine Scheduled Caste, Scheduled Tribe or OBC candidates from availing the benefits of reservation which the Constitution has provided for them with a further provision that there is a constitutional necessity that such certificates are scrutinized at the earliest and with utmost expedition and promptitude. The provision that the certificates are to be scrutinized at the earliest with utmost expedition and promptitude follows from the proposition that otherwise a genuine Scheduled Caste, Scheduled Tribe or OBC candidate as enjoined in the Constitution would be deprived from the benefits conferred upon them by the Constitution.

27. The principles of natural justice in respect of such ineligible or spurious candidate as regards the determination of their social status by the State Level Caste Scrutiny Committee is protected in paragraph 13(9) of the judgment rendered by the Hon'ble Supreme Court in *Kumari Madhuri Patil (supra)* that the



decision that the State Level Caste Scrutiny Committee may take after expeditious inquiry and if possible day to day proceeding, should be communicated to such affected candidate within one month from the date of the conclusion of the proceeding and paragraph 13(11) provides that the determination that may be made by the State Level Caste Scrutiny Committee shall be final and conclusive and only subject to a proceeding under Article 226 of the Constitution, meaning thereby that the natural of justice of such affected candidate would be protected by the copy of the report being made available and such candidate may assail the same by means of a proceeding under Article 226 of the Constitution, which again circumscribed that no appeal shall lie against an order of the learned Single Judge in such proceeding to the Division Bench and the appeal would be maintainable before the Hon'ble Supreme Court and further that such petitions under Article 226 of the Constitution shall be disposed of by the High Court as expeditiously as possible within a period of three months.

What is further noticeable is that in paragraph 13(14), it is provided that in case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making false claim and if the prosecution ends in a conviction and sentence of the accused, it should be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or Parliament.

28. By the provisions of paragraph 13(14) a very stringent provision had been laid down by the Hon'ble Supreme Court to eradicate the menace of ineligible and spurious persons making false and fraudulent claim for the benefit of reservation under a falsely and incorrectly obtained social status certificate.

29. Paragraph 13(15) of the judgment rendered by the Hon'ble Supreme Court in Kumari Madhuri Patil (supra) further provides that as soon as a findings recorded by the State Level Caste Scrutiny Committee (SLCSC) holding that a certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the educational institution concerned or the appointing authority by registered post with acknowledgment with a due request to cancel the appointment or appointment of the person relying upon such false social status certificates and the Hon'ble Supreme Court enjoins it upon the Principal etc., of the educational institution responsible for making the admission or the appointing authority to cancel the admission/appointment without any further notice to the candidate and debar the candidate from further studying or continuing in office or in a post. The consequence of claiming and relying upon a false social status certificate is clear and explicit in the proposition of law laid down by the Supreme Court as noted above and the provision appears to be a mandatory provision binding on the Head of the Educational Institutions or the office where the person may have been admitted or working by relying upon a false social status certificate. Paragraph 14 of the judgment rendered in Kumari Madhuri Patil (supra) further provides that it is for every State concerned to make an endeavour to give effect to provide for a fair and just procedure by shortening any undue delay to ensure that the constitutional objectives intended for the benefit and advancement of the genuine Scheduled Castes/Scheduled Tribes or backward classes are not defeated by unscrupulous persons. Paragraph 14 of the judgment in Kumari Madhuri Patil (supra) is extracted as below:

*Since this procedure could be fair and just and shorten the undue delay and also prevent avoidable expenditure for the State on the education of the candidate*

*admitted/appointed on false social status or further continuance therein, every State concerned should endeavour to give effect to it and see that the constitutional objectives intended for the benefit and advancement of the genuine Scheduled Castes/Scheduled Tribes or backward classes, as the case may be are not defeated by unscrupulous persons.*

30. In the order of the Division Bench dated 19.10.2023 in WA No.390/2023 and other appeals, a further view was expressed that the new criteria of verification of producing evidence from the Tea Garden Management was introduced which had led to a travesty of justice being committed. The provisions thereof as to what the State Level Caste Scrutiny Committee is required to do is provided under paragraph 13(5) of the judgment rendered by the Supreme Court in Kumari Madhuri Patil (supra).

31. In paragraph 13(5) it is provided that the Directorate is required to constitute a vigilance cell consisting which shall examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the pro forma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

32. The said provisions in paragraph 13(5) appear to be inclusive and not exhaustive. But the purport is to determine the true status of a person who claims the benefit of a social status certificate. In respect of any other enlisted communities as Scheduled Caste, Scheduled Tribe or OBC, the inclusive

requirement provided by the Hon'ble Supreme Court in paragraph 13(5) would be relevant and also may be adequate. But in the instant case, we are concerned with Entry No. 24 of the Notification dated 13.09.1993 which has already been extracted hereinabove where also a conclusion had been arrived that Entry 24 is an Entry which is inherently with a difference with all other entries inasmuch as, there is a requirement of two-fold determination i.e., firstly whether the person concerned belongs to TGL/TGT/Ex-TGL/Ex-TGT category and upon determination that the person concerned do belong to TGL/TGT/Ex-TGL/Ex-TGT category, a further determination as to whether the person belongs to any of the 96 enlisted communities. To determine as to who may belong to TGL/TGT/Ex-TGL/Ex-TGT category, it had already been discussed and concluded that there is a requirement of a factual determination as to whether the person concerned or any of his or her predecessor was a labourer in any of the tea gardens in Assam. Entry 24 being of exceptional nature, where there is a requirement to also determine as to whether the person concerned or any of the predecessor was a labourer in the tea gardens in Assam, for any such determination there is also an inherent requirement to verify as to whether the person or predecessor was a labourer in any of the tea gardens in Assam and it is for such purpose that an additional provision would be a constitutional requirement, for producing any further evidence from any of the tea gardens in Assam that the person concerned or any of his/her predecessor was a labourer in any of the tea garden in Assam. The Division Bench Order is clarified to the aforesaid extent.

33. We have been told that some of the certificates relating to Entry 24 of the Notification dated 13.09.1993 pertaining to TGL/TGT/Ex-TGL/Ex-TGT category are also issued through Chah Janajati Jatiya Sanmilani Asom, which is an apex



body of the tea garden tribes. The Karbi Anglong District Community of the Chah Janajati Jatiya Sanmilani, Asom has made a communication dated 07.08.2023 to the Additional Deputy Commissioner, Karbi Anglong wherein it is stated that the sub-caste of some nine applicants involved therein like Chauhan, Singh, Chaudhari etc., are not found in Tea and Ex-Tea Tribes community and further requested the Additional Deputy Commissioner not to issue caste certificate on the basis of the father's caste certificate of the aforementioned castes as it may be a forged document and may harm the tea garden community. We also take judicial notice of the aspect that there has been a confusion amongst the certificate issuing authorities as per the statement of the Secretary to the Government of Assam in the Social Justice and Empowerment Department as well as the Deputy Commissioner Karbi Anglong that based upon the materials that are being produced that persons belonging to any of the 96 communities enlisted under Entry 24 of the Notification dated 13.09.1993 certificates are issued that the claimant belongs to the TGL/TGT/Ex-TGL/Ex-TGT category and no such determination is made as regards the core requirement as to whether the person or any other predecessor is a tea garden labourer.

34. By taking note of the aforesaid circumstances where certificates were issued without an appropriate understanding of the provisions of Entry 24 of the Notification dated 13.09.1993 there is a possibility that a large number of such certificates have already been issued in the meantime and ineligible and spurious persons are enjoying the benefit of reservation under Entry 24. In this respect, we take note of the provisions of paragraphs 13(1) to 13(3) of the judgment rendered by the Supreme Court in Kumar Madhuri Patil (supra) which requires that the application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Commissioner and the

certificate shall be issued by such Officer and further that the parents/guardian/the candidate as the case may be shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned. In this respect, the Directorate concerned for determining the acceptability of the social status certificate under Entry 24 of the Notification dated 13.09.1993 may further prescribe the requirement of establishing a link with any tea garden labourer in any of the tea gardens in Assam, but what is more relevant is the provisions of paragraph 13(3) which provides that an application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

35. As the said provision appears to be a general provision that all caste certificates that have been issued shall, on an application by the certificate holder, be sent for a verification by the State Level Caste Scrutiny Committee, which is a requirement to be done six months prior to any admission into an educational institution or an appointment to a post. As the requirement of making such applications is not followed for all such admission, including the admission to the 1<sup>st</sup> Year MBBS Course, there is also a constitutional requirement to refer all such caste/status certificates relied upon to avail an admission to an educational institute, including the 1<sup>st</sup> Year MBBS Course, or to obtain appointment to a post under the State, to the State Level Caste Scrutiny Committee for its verification whether the claimant belongs to the TGL/TGT/Ex-TGL/Ex-TGT community under Entry 24 of the Notification dated 19.09.1993.

Paragraph 13(6) provides that the authority making the enquiry shall give reasonable opportunity to the candidate/parents/guardian to adduce all evidence in support of their claim for the social status certificate. But paragraph 13(15) is further relevant that upon undertaking such enquiry by the authority which is understood to be the State Level Caste Scrutiny Committee, an adverse report thereof being submitted, it is also incumbent upon the Principal etc., of the educational institution or the appointing authority to cancel the admission/appointment without any further notice to such candidate and debar such candidate from further study or continue in the office in a post.

36. The respondents in the Social Justice and Empowerment Department to also take note of the propositions of law laid down by the Supreme Court in paragraphs 13(1), 13(3), 13(6) and 13(15) of the judgment rendered in Kumari Madhuri Patil (supra) and it is expected that the constitutional requirements would be duly complied with by the Department.

37. In the facts of the present case, as it is a writ petition seeking for a direction for issuing the social status certificate to the petitioners, we accordingly, require the petitioners to make an application to the Revenue Sub-Divisional Officer or the Deputy Commissioner as the case may be as provided in paragraph 13(1) of the pronouncement of the Supreme Court in Kumari Madhuri Patil (supra) and upon such application being made, the respective Revenue Sub-Divisional Officer or the Deputy Commissioner to give a due consideration to such certificate, make a factual determination on the entitlement to the social status as may be claimed and if it is in respect of a social status under Entry 24 of the Notification dated 13.09.1993 to also undertake the necessary exercise of arriving at a factual determination as to whether the person concerned or any of the predecessor was a labourer in any of the tea gardens in Assam and such

certificate that may be issued would be subjected to a scrutiny by the State Level Caste Scrutiny Committee by scrupulously following the complete procedure laid down in paragraph 13 of the judgment rendered by the Supreme Court in Kumari Madhuri Patil (supra).

38. We have also taken note that the petitioners are being admitted into the respondent Navodaya Vidyalaya by virtue of interim orders of the Court which requires a finality to be made upon such provisional admission. The respondents are required to forthwith apply for all such certificates which the Deputy Commissioner shall do the needful and either issue or decline to issue by following the due procedure of law provided in paragraph 13 of the Judgment rendered in Kumari Madhuri Patil (supra) and also taking note of the clarification provided in this order, as expeditiously as possible. Upon the same being done, it shall be verified by the State Level Caste Scrutiny Committee as required under paragraph 13(3) of the aforesaid judgment and thereupon the report be provided to the respective candidates for doing the needful as may be required under the law. If the applicants do not approach the Deputy Commissioner concerned within a period of 15 days from the date of this order, the interim order passed earlier stands recalled.

39. Although, as per paragraph 13(1) of the judgment rendered by the Supreme Court in Kumari Madhuri Patil (supra), but we have taken note that by an interim order of this Court, the petitioners have already been provisionally admitted into the respondent Navodaya Vidyalaya and there is an urgent requirement of making a determination on the social status of the petitioners as claimed. To expedite the matter, instead of following the procedure of making an application to the respective Revenue Sub-Divisional Officer or the Deputy Commissioner as provided in paragraph 13(1) of the pronouncement of the



Supreme Court in Kumari Madhuri Patil, we require that the petitioners may directly approach the State Level Caste Scrutiny Committee and produce the relevant materials before the Committee to substantiate their claim that they belong to the TGL/TGT/Ex-TGL/Ex-TGT category and if the Committee is of the view that the petitioners do belong to TGL/TGT/Ex-TGL/Ex-TGT category, a report thereof be provided to the petitioners and based upon such report, the petitioners may approach the Deputy Commissioner concerned for formally issuing the certificate. If on the other hand, the report of the Committee is against the claimant that they do not belong to the TGL/TGT/Ex-TGL/Ex-TGT community under Entry 24 of the Notification dated 13.09.1993 the report thereof be provided to the claimant to enable them to move petitions under the Article 226 of the Constitution and the head of the institution where they seek admission or are admitted under the interim order of the Court be accordingly informed for taking further action. The interim order allowing the petitioner to be provisionally admitted shall continue till the report of the State Level Caste Scrutiny Committee is made. Upon the report being made available if the Committee decides in favour of the petitioners, the provisional admission be regularized and on the other hand if the report is against, the interim order allowing provisional admission shall no longer continue and the petitioners would be governed by paragraph 13 of the judgment in Kumari Madhuri Patil (supra).

40. It is stated by Ms. R.S. Choudhury, learned counsel for the respondent Navodaya Vidyalaya that some of the petitioners have already submitted certificates issued by some authority which according to the respondents are not genuine certificates. In respect of such petitioners also they are required to approach the State Level Caste Scrutiny Committee along with the certificates



relied upon by them and the Committee will make a determination on the social status of the petitioners strictly as per the provisions of the judgment rendered in Kumari Madhuri Patil (supra).

List again after the report of the State Level Caste Scrutiny Committee is made available.

**JUDGE**

**Comparing Assistant**