

GAHC010001132023



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

Case No. : WA/42/2023

THE ANTI CORRUPTION LIBERATION UNION
H.O.- JORHAT, ASSAM, PIN- 785001, REP. BY ITS GENERAL SECRETARY
INDRAJIT CHUTIYA, AGED 32 YEARS, S/O- PRADIP CHUTIYA,
PERMANENT RESIDENT OF SILAPATHAR, P.S.- SILAPATHAR, DIST.-
DHEMAJI, ASSAM.

VERSUS

MOONSOON BRKAKOTI AND 6 ORS.
R/O- CHEKONIDHORA GAON, KHELMATI CLUB ROAD, P.O. AND P.S.
JORHAT, ASSAM, PIN- 785001.

2:THE STATE OF ASSAM
REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL (A) DEPTT.
DISPUR, GUWAHATI
PIN- 781006.

3:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
PERSONNEL (A) DEPTT.
DISPUR, GUWAHATI
PIN- 781006.

4:THE SECRETARY
TO THE GOVT. OF ASSAM
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEPTT.
DISPUR, GUWAHATI
PIN- 781006.

5:THE STATE LEVEL SCRUTINY COMMITTEE
REP. BY ITS CHAIRPERSON
WELFARE OF PLAIN TRIBES AND BACKWARD CLASSES DEPTT.
DISPUR, GUWAHATI, PIN- 781006.

6:THE DEPUTY COMMISSIONER
JORHAT, ASSAM.

7:THE DEPUTY COMMISSIONER
TINSUKIA, ASSAM

Advocate for the Petitioner : MR. A.K. BHARRACHARYYA, SR. ADVOCATE, MR. R DE
Advocate for the Respondent : GA, ASSAM, MR. K.N. CHOUDHURY, SR. ADVOCATE

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

JUDGMENT

Date : 01-06-2023

(Sandeep Mehta, C.J.)

1. The instant intra-court writ appeal has been preferred by the appellant union (respondent no. 7 in the writ petition) being aggrieved of the order dated 24.11.2022, passed by the learned Single Bench accepting the writ petition filed by the respondent no. 1 herein, and quashing the order dated 26.02.2021, issued by the State Level Scrutiny Committee (hereinafter referred to as "SLSC" for short) recommending cancellation of the OBC Certificate of the respondent/writ petitioner.

2. Brief facts relevant and essential for disposal of the appeal are quoted hereinbelow:

The respondent/writ petitioner applied for and was successful in the selection process initiated for Junior Grade posts in the Assam Land and Revenue Service pursuant to an advertisement published in the year 2016. She qualified as an OBC category candidate and was appointed on probation to the said service vide Notification dated 09.01.2019. The appellant union lodged an FIR against the respondent/writ petitioner on 24.07.2019 alleging *inter alia* that the father of the respondent/writ petitioner belongs to General Category and, hence, she could not have possessed an OBC certificate. During the course of enquiry, the respondent/writ

petitioner was directed to appear before the State Level Scrutiny Committee under the Welfare of Plain Tribes & Backward Classes Department (WPT & BC) and, after hearing the respondent/writ petitioner, the SLSC passed a speaking order dated 26.02.2021 recommending that the OBC certificate issued to the writ petitioner should be cancelled by the appropriate authority with immediate effect. The respondent/writ petitioner assailed the said order by filing WP(C) 2286/2021.

During the course of hearing of the writ petition, learned Additional Advocate General, Assam, presented the original records before the court *inter alia* containing a report of enquiry conducted under supervision of Superintendent of Police, CID, Assam, Guwahati, with regard to the OBC certificate of the respondent/writ petitioner. The enquiry was conducted by the Inspector of Police, CID, Assam, and the enquiry report dated 03.10.2019 was submitted concluding that aspersion on the OBC certificate of the respondent/writ petitioner was based on no truth. Placing reliance on the said report, the learned Single Judge, vide the impugned order dated 24.11.2022, affirmed the findings of the enquiry officer in the report dated 03.10.2019 and set aside the speaking order dated 26.02.2021 issued by the SLSC. The order passed by the learned Single Judge is assailed in this intra-court writ appeal filed by the appellant union.

3. Mr. A. K. Bhattacharyya, learned Senior Counsel representing the appellant vehemently and fervently contended that the OBC certificate submitted by the respondent/writ petitioner for procuring employment in the Assam Land and Revenue Service was fabricated. He contended that it is an admitted position that the father of the petitioner hails from General Category and, thus, she cannot claim to be belonging to OBC category. Fervent reliance was placed by Mr. Bhattacharyya on the speaking order dated 26.02.2021 urging that the learned Single Bench was wholly unjustified in causing interference into the well reasoned speaking order. He urged that the respondent was required to lead unimpeachable evidence in order to establish her status as an OBC category candidate based on her mother's caste. However, she did

not provide any evidence whatsoever in this regard. No material was placed with the SLSC that the respondent had been abandoned by her father and as a consequence thereof she was discriminated against and was deprived of opportunities while living with her mother. No material was placed with the SLSC to show that the respondent/writ petitioner was compelled to live in the "Koch" community and, as a consequence, she suffered from deprivation, disability and handicap, etc. The respondent/writ petitioner all along resided at Guwahati with her father and she even mentioned her father's address in the application form submitted to the APSC. Mr. Bhattacharyya also submitted that both the parents of the respondent/writ petitioner are government employees and, hence, she could not have claimed economically backward OBC status. An attempt was made by Mr. Bhattacharyya to contend before the court that the respondent/writ petitioner could not have been selected against a reserved category post, because, in addition to being an OBC category candidate, the respondent/writ petitioner would be required to furnish a Non-creamy Layer certificate as well because no reservation is provided to OBC candidates in the selection process conducted by the State unless such OBC candidate is also belonging to the Non-Creamy Layer. On the issue of *locus standi*, Mr. Bhattacharyya submitted that the appellant has every right to question the validity of the OBC certificate procured by the respondent/writ petitioner because she fraudulently secured government job on the basis of such certificate. Thus, any public spirited citizen would be entitled to question the job secured by the respondent/writ petitioner in public service by presenting a fake OBC certificate. Mr. Bhattacharyya placed reliance on the Hon'ble Supreme Court judgment in the case of ***Raju Ramsing Vasave vs. Mahesh Deorao Bhivapurkar***, reported in **(2008) 9 SCC 54**, in support of the plea of *locus standi* of the appellant and so also on the aspect that the decision of the SLSC is conclusive to decide the caste of the appellant. Reliance was also placed by Mr. Bhattacharyya on the judgment rendered by the Delhi High Court in the case of ***Rumy Chowdhury vs. Department of Revenue, Government of NCT of Delhi***, reported in (2020) 0 Supreme (Del) 817, in

order to buttress the contention that a child born from an inter-caste marriage would carry the caste of the father. Mr. Bhattacharyya referred to the observations made in paragraph 21 of the said judgment that "*.....in absence of any positive or cogent evidence demonstrating that the community of the mother had accepted the children, simply on the strength of the appellant having raised the children on her own, they cannot be entitled to a certificate of the caste to which their mother belongs.....*". On these submissions, Mr. Bhattacharyya implored the court to accept the writ appeal and reverse the judgment rendered by the learned Single Bench.

4. Per contra, Mr. K. N. Choudhury, learned senior counsel representing the respondent/writ petitioner placed reliance on the judgment rendered by the Hon'ble Supreme Court in the case of ***Kumari Madhuri Patil and another vs. Addl. Commissioner, Tribal Development and others***, reported in ***(1994) 6 SCC 241*** and urged that the procedure for issuance of a social status certificate and for scrutinizing a false status certificate has been extensively formulated by the Hon'ble Supreme Court in the said judgment. He urged that in light of the mandatory guidelines laid down by the Hon'ble Supreme Court in ***Kumari Madhuri Patil*** (supra), the complaint with allegations of fraud in issuing the OBC certificate of the petitioner was enquired into by the Vigilance Officer under the Superintendent of Police, CID, Assam. The Inspector of Police, CID, proceeded to conduct an enquiry; recorded evidence during the course thereof and thereafter submitted a detailed reasoned enquiry report dated 03.10.2019 concluding that the caste certificate held by the respondent/writ petitioner was genuine. He further pointed out that the date of birth of the respondent/writ petitioner is 12.04.1990. The mother of the respondent/writ petitioner Smt. Purnima Dutta belongs to "Koch" community which came to be recognised as OBC in the Central List of OBCs for the State of Assam in the year 1993. He submitted that as the respondent/writ petitioner was born before the "Koch" community was included in the Central List of OBCs, manifestly her birth certificate could not record that she belongs to OBC category. However, based on the fact that the girl child was residing with her

mother and was following the customs and rituals of the "Koch" community, a Certificate (Annexure-5) dated 13.11.2006 was issued in favour of the respondent/writ petitioner affirming that she belongs to "Koch" community (OBC category). Mr. Choudhury submitted that neither the respondent/writ petitioner nor her mother could have entertained a thought that she would get advantage of reservation based on OBC category so as to make a fraudulent attempt to get such certificate way back in the year 2006. He urged that the detailed enquiry report dated 03.10.2019, submitted by the Inspector of Police, CID, Assam, in terms of the mandatory guidelines laid down in the case of ***Kumari Madhuri Patil*** (supra), was not considered by the SLSC while passing the speaking order and, thus, the parallel enquiry conducted by the SLSC has no credibility and worth whatsoever. Mr. Choudhury further submitted that the issue raised by the appellant union that the respondent/writ petitioner could not have been given the benefit of reservation because she did not prove her status as belonging to the non-creamy layer category was not even a subject-matter of consideration before the learned Single Bench and, thus, the appellant herein cannot be allowed to raise this issue for the first time in the intra-court appeal. On these grounds, learned senior counsel Mr. Choudhury implored the court to affirm the impugned judgment and dismiss the appeal.

5. We have given our thoughtful consideration to the submissions advanced at the bar and have gone through the impugned judgment and the material placed on record.

6. It would be apposite to mention here that during the pendency of the appeal and while considering the documents available on record, this court noticed that the mother of the respondent/writ petitioner, Smt. Purnima Dutta, was also serving in the Irrigation Department. Thus, vide order dated 21.02.2023, the learned government counsel was directed to procure the service records of Smt. Purnima Duttam which were presented for perusal of this court by Mr. R. Dhar, learned Standing counsel, WPT & BC Department on 28.02.2023. A perusal thereof indicates that the caste of

Smt. Purnima Dutta is recorded as OBC (Koch). In this background, the learned government counsel was directed to bring this fact on record by way of an affidavit. An additional affidavit on behalf of the State was accordingly filed on 10.03.2023 bringing on record the relevant documents including Service Book of Smt. Purnima Dutta. A perusal of the Service Book would reveal that the date of birth of Smt. Purnima Dutta is 27.06.1966 and she was inducted in service as a Muster Roll worker in the Irrigation Department in the year 1988 and her services were regularised in the year 2005. As per the detailed proforma available at page 218 of the Service Book, the caste of Smt. Purnima Dutta is recorded as on 08.06.2005 as "Koch" (OBC). In this background, the aspersions cast that the mother of the respondent procured Caste Certificate as OBC for the first time in the year 2019 is of no consequence whatsoever.

7. Comprehensive procedure for issuance of Social Status Certificate and the procedure for scrutinising the genuineness or falsity of such Social Status Certificate has been laid down by the Hon'ble Supreme Court in the case of **Kumari Madhuri Patil** (supra), wherein it has been held as below:

"4. All the State Government shall constitute a Committee of three officers, namely, (I) an Additional Joint Secretary or any officer higher 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. As per the observations made in paragraph 6 of the above judgment, for enquiry into the complaint regarding genuineness of the social status certificate, the Director of Vigilance Cell has to call for a report from the Vigilance Officer, which would be the Inspector in this case, and if the Director, on receipt of the enquiry report from the Vigilance Officer, finds the claim for social status to be not genuine, or doubtful or

spurious or falsely or wrongly claimed, the Director would be required to hold a bipartite hearing and to decide the claim. The situation prevailing in the present case is that the Inspector concluded after thorough enquiry that the allegations brought against the respondent Smt. Moonsoon Barkakati were not based on truth. A perusal of the speaking order of the SLSC clearly establishes that the Committee did not objectively considered the report of the Vigilance Officer, i.e. the Inspector, CID, Assam and, hence, the conclusions drawn by the Committee are based on ignorance of material facts.

9. Now we proceed to consider the judgments cited by Mr. A. K. Bhattacharyya, learned senior counsel representing the appellant. Mr. Bhattacharyya has relied upon the following judgments:

- (i) *Indra Sawhney v. Union of India* (2000) 1 SCC 168.
- (ii) *Kumari Madhuri Patil and another vs. Addl. Commissioner, Tribal Development and others* (1994) 6 SCC 241.
- (iii) *Rameshbhai Dabhai Naika vs. State of Gujarat & Ors.* (2012) 3 SCC 400.
- (iv) *Rumy Choudhury vs. Department of Revenue, Government of NCT of Delhi* (2020) 0 Supreme(Del) 817.
- (v) *Raju Ramsing Vasave vs. Mahesh Deorao Bhivapurkar*, (2008) 9 SCC 54.
- (vi) WP(C) No. 325 of 2015 (High Court of Bombay).

10. In the case of ***Indra Sawhney v. Union of India***, reported in **(2000) 1 SCC 168**, the issue was related to constitutionality of reservation provided to backward classes and, more particularly, "creamy layer". We may observe here that the issue regarding "creamy layer" or otherwise status of the present respondent/writ petitioner, which has been raked up by the appellant's counsel for the first time in this appeal, need not be deliberated upon because no such objection was raised by the appellant, who was the contesting respondent before the learned Single Judge in the writ petition. Mr. Bhattacharyya also relied upon the judgment of the Hon'ble Supreme

Court in the case of ***Kumari Madhuri Patil*** (supra). After examining the ratio of the said judgment, we find that the same is of no help whatsoever to the appellant; rather, the ratio of the said judgment fortifies the case of the respondent herein to the hilt. In paragraph 13.4 of ***Kumari Madhuri Patil*** (supra), which is reproduced (supra), the Hon'ble Supreme Court held that a committee shall be constituted by the State Government consisting of three officers, namely, (i) an Additional Joint Secretary or any officer higher in rank of the Director of the department concerned, (ii) the Director of 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 paragraph 13.5 it is held that the Director is also required to 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.

11. Thus, the task of physical verification has been assigned to the vigilance officer and, in the present case it is the Police Inspector, CID, Assam, who acted as the vigilance officer. The vigilance officer is required to undertake the physical verification by going to the place of residence or the original place, from which the candidate hails or usually resides.

Upon receipt of report from the vigilance officer, if the conclusion arrived at is that the social status claimed by the candidate is not genuine, or doubtful or falsely claimed, the Director would require to hold a bipartite hearing after issuing show cause notice to the candidate concerned.

Paragraph 13.7 of ***Kumari Madhuri Patil*** (supra) clearly envisages that in case the report is in favour of the candidate and found to be genuine and true, no further action need to be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and, in the later event, the same procedure, as is envisaged in paragraph 6, would be followed.

12. In the case of ***Rameshbhai Dabhai Naika vs. State of Gujarat & Ors.***, reported in **(2012) 3 SCC 400**, the Hon'ble Supreme Court examined the controversy as to what would be the social status of a person one of whose parents belongs to the scheduled castes/scheduled tribes and the other comes from the upper cases, or does not come from scheduled castes/scheduled tribes. It was concluded by the Hon'ble Supreme Court in paragraph 54 and 55 of ***Rameshbhai Dabhai Naika*** (supra) that in such a situation the determination of the caste of the offspring is essentially a question of fact to be decided on the basis of the evidence adduced in each case. In an inter-caste marriage or a marriage between a tribal and a non-tribal, there may be a presumption that the child has the caste of the father. This presumption may be stronger in a case where the inter-caste marriage is between a tribal and a non-tribal and the husband belongs to a forward caste. But by no means the presumption is conclusive or irrebuttable and it is open to the child born out of such marriage to lead evidence to show that he/she was brought up by the mother who belonged to scheduled caste/scheduled tribe. In the said case, the Hon'ble Supreme Court reversed the decision of taking away the social status (tribal) certificate without advertent to any evidence and on the sole ground that he was the son of a "Kshatriya" father. Thus, as a matter of fact, the ratio of the judgment in the case of ***Rameshbhai Dabhai Naika*** (supra) rather helps the case of the respondent no. 1 herein and in no manner comes to the aid of the appellant.

Reliance was also placed by Mr. Bhattacharyya on the case of ***Raju Ramsing Vasave vs. Mahesh Deorao Bhivapurkar***, reported in **(2008) 9 SCC 54**. We have carefully considered the factual matrix of the said judgment and find that it proceeds on its own peculiar facts and circumstances. However, the observations made in paragraph 26 of the said judgment are relevant where it was laid down that "*Where the factual foundation arrived at by a committee authorised in this behalf concludes that a person is not a member of the Scheduled Tribe, would remain operative unless set aside by a superior court*". In the present case, the factual foundation arrived at by

the State Level Scrutiny Committee has been held by the learned Single Judge to be erroneous because the conclusion was drawn by the scrutiny committee without following the mandate laid down in the case of ***Kumari Madhuri Patil*** (supra). The report of the vigilance officer was never considered by the Scrutiny Committee and, hence, the order passed by the Scrutiny Committee cancelling the social status certificate issued to the respondent was rightly interfered with by the learned Single Judge.

13. Reliance was also placed by Mr. Bhattacharyya, learned senior counsel, on the judgment rendered by the Bombay High Court in **Writ Petition No. 325/2015 (*Raju Shamrao Mankar vs. State of Maharashtra and Ors.*)**, wherein it was held that the issue regarding *locus standi* cannot be restricted in the matters regarding the status of a caste and tribe, and the citizens would be entitled to knock the door of the court and seek redressal. There cannot be any two views on this ratio and, following the same we have already entertained this appeal at the behest of the appellant while negating the objection raised by the respondent regarding *locus standi* of the appellant.

14. In the wake of the discussion made hereinabove and keeping in view the categorical affidavit filed by the State government authorities before the learned Single Judge placing on record the report dated 03.10.2019, which was prepared after thorough enquiry conducted by the vigilance officer, i.e. Inspector of Police, CID, Assam in the present case, under the Supervision of the Superintendent of Police, CID, Assam, concluding that the allegation regarding falsity of the social status certificate of Smti. Moonsoon Barkakoti (i.e. respondent/writ petitioner) was based on no truth, the only course of action required to be taken as per the ratio of the judgment in the case of ***Kumari Madhuri Patil*** (supra), was to accept the said report of the vigilance officer, i.e. Inspector of Police, CID, Assam. For the sake of repetition, it may be mentioned herein that the State Level Scrutiny Committee, while passing the impugned speaking order dated 26.02.2021 did not objectively consider to the enquiry report of the

vigilance officer, i.e. Inspector of Police, CID, which was a mandatory requirement as per the guidelines laid down by the Hon'ble Supreme Court in the case of ***Kumari Madhuri Patil*** (supra). A perusal of the said speaking order would reveal that the Scrutiny Committee, though referred to the report submitted by the Superintendent of Police, CID, Assam, but thereafter no discussion whatsoever was made to the findings of the Inspector's report in the speaking order. On the contrary, while coming to the conclusion that the respondent/writ petitioner was not entitled to the benefits of OBC certificate, the Scrutiny Committee relied upon a parallel report, which was got conducted through Circle Officer, Jorhat Revenue Circle. Apparently, in terms of the judgment in ***Kumari Madhuri Patil*** (supra) the Circle Officer has no jurisdiction to carry out such enquiry. Furthermore, the finding recorded in the speaking order that the mother of Smti. Moonsoon Barkakoti obtained caste certificate as belonging to "Koch" (OBC) community in the year 2019 is also an extraneous and irrelevant observation because, as has been referred to (supra), in the service record of Smti. Purnima Dutta (mother of the respondent/writ petitioner) her caste is mentioned as "Koch" (OBC).

15. Testing the report of the Vigilance Officer, i.e. the Inspector, CID, on the touchstone of the principles laid down in the case of ***Kumari Madhuri Patil*** (supra), we find that the enquiry report submitted by the Inspector, CID, does not indicate even in the slightest that the particulars given by the candidate were false or that the social status certificate had been fraudulently obtained. Thus, in terms of the first part of paragraph 13.7 of the guidelines formulated in ***Kumari Madhuri Patil*** (supra), which provides that "*In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken....*", no further action was called for in the present case after the detailed and reasoned enquiry report had been submitted by the Enquiry Officer. However, the SLSC got another parallel enquiry conducted through Circle Officer, Jorhat Revenue Circle, who apparently had no jurisdiction to carry out such enquiry, as indicated above (supra). Another significant fact, which

needs to be noticed is that as the report of the Inspector, CID, which was submitted after conducting a thorough enquiry in terms of ***Kumari Madhuri Patil*** (supra), did not give any indication that the social status certificate was obtained by the respondent/writ petitioner by providing any false or fraudulent information, rather concluded that the social status certificate was validly and lawfully obtained, the authorities had no option but to accept the report and affirm the social status certificate of the respondent/writ petitioner as per the guidelines contained in paragraph 13.7 of the judgment in ***Kumari Madhuri Patil*** (supra). Hence, the contrary conclusion drawn by the State Level Scrutiny Committee is absolutely illegal and unwarranted.

16. As a consequence of the above discussion, we are of the firm opinion that the learned Single Judge was perfectly justified in accepting the writ petition filed by the respondent no. 1 herein and quashing the speaking order dated 26.02.2021, passed by the State Level Scrutiny Committee, and affirming the social status of the respondent no. 1 herein as OBC ("Koch"). Thus, the impugned order does not suffer from any infirmity and, as a consequence, the writ appeal fails and the same is dismissed as being devoid of merit.

No order as to costs

JUDGE

CHIEF JUSTICE

RobinK

Comparing Assistant