IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16164 of 2023

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Dinesh Prasad Kharwar Son of Kanhaiya Prasad Resident of Village- Arak, Block- Chakki, Police Station- Krishna Brahm, District- Buxar.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary of Personnel and Administrative Reforms Department, Bihar.
2. The Deputy Secretary, State of Bihar, Patna.
3. The Chairman, Bihar State Cate Scrutiny Committee, Patna.
4. The Director of Scheduled Caste and Scheduled Tribes Welfare Department, Bihar, Patna.
5. The District Magistrate, Buxar.
6. The District Welfare Officer, Buxar.
7. The Sub-Divisional Officer, Dumraon, District- Buxar.
8. The Circle Officer, Chakki, District- Buxar.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Santosh Kumar, Adv.
Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Saroj Kumar, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
Date : 20-08-2026

Heard the parties.

2. The present petition has been preferred for the following relief/s:

(i) for quashing the Memo no.11/S.T.-01/2023GA 11711 Patna-15 dated 20.06.2023 contained in Annexure-13 passed by the Respondent no. 2 and Committee Members constituted for the confirmation of caste of petitioner whereby and whereunder

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the petitioner has been denied the caste certificate of "Kharwar" Caste ignoring the revenue records and previous caste certificates of Kharwar Caste issued to petitioner and his family members by respondents themselves.

(ii) for issuance of caste certificates of Kharwar Caste (SC/ST) to the petitioner.

(iii) to pass any such other order or orders as the Hon'ble Court may deem just and proper in the facts and circumstances of the case.

3. The petitioner has moved before this Court challenging the order passed by the Caste Scrutiny Committee by which it has been recorded that he belongs to '*Kamkar*' under extremely backward class category and not '*Kharwar'* which comes under Schedule Tribe category. The claim in the writ petition is that they belong to *Kharwar* caste which comes under Schedule Tribe category, were earlier resident of Palamu of undivided Bihar (now Jharkhand) and later, moved to the State of Bihar. All along, his certificate shows his caste as

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‘*Kharwar’*.

4. It seems that pursuant to certain complaints, an enquiry took place and prima facie, it was found that the petitioner belongs to ‘*Kamkar’* caste and not *‘Kharwar’* which led to rolling of the proceeding against him. Ultimately, the matter went before the Caste Scrutiny Committee and after granting opportunity to the petitioner, 'the Committee' came to the conclusion that he belongs to *‘Kamkar’* caste under extremely backward caste and not under ‘*Kharwar’* (Schedule Tribe category). This was communicated to the petitioner vide memo no. 11711 dated 20.06.2023 which followed the filing of the writ petition.

5. Learned counsel for the petitioner submits that he belongs to the *‘Kharwar’* caste but erroneously and ignoring all the reports which include that of the prominent persons of the locality and the family member/villagers, only on the basis of the revenue record showing the caste of one Parahu Kamkar as ‘*Kamkar’*, recording that he belongs to the family of the petitioner, the order in question has been passed. This needs interference.

6. Learned counsel for the State on the other hand armed with the counter affidavit has taken this Court to different

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paragraphs including paragraph no. 6 of the supplementary counter affidavit to show that the ancestors of the petitioner namely Parahu Kamkar clearly stands recorded in the revenue documents where his caste has been inscribed as '*Kamkar'*.

7. In reply, learned counsel for the petitioner has again taken this Court to the affidavit filed by the petitioner where it has been recorded that he has nothing to do with Parahu Kamkar. The name of his grandfather is Sipahi Kharwar and paragraph no. 5 of the said affidavit/reply to counter affidavit filed on behalf of the Circle Officer record as under:

> *5. That the father of petitioner purchased the land from Ram Nath Kahar & Suraj kahar who had purchased the same land from Parahu kamkar. The Parahu kamkar is not the ancestor of the petitioner. The Circle Officer, Chakki corrected the khatian and issued the rent receipt in favour of petitioner's father & others.*

8. Having heard the parties, this Court is of the opinion that the Caste Scrutiny Committee completely erred in not conducting proper enquiry on the point as to

> *(i) whether the petitioner whose family shifted from Palamu (present Jharkhand) to the State of Bihar belongs to*

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'Kamkar' (extremely backward class category) or 'Kharwar' (Schedule Tribe category);

(ii) further, against the number of statements made by the prominent persons of the locality/family members as also the different certificates, on the basis of the revenue records showing Parahu Kamkar as a purchaser having his caste as Kamkar, the order has been passed.

(iii) whether the caste scrutiny committee been ascertained that Parahu Kamkar is the petitioner's grand father or not.

9. The petitioner has made it clear that he has nothing to do with Parahu Kamkar and actually the land which his ancestor purchased is/was from Ram Nath Kahar and Suraj Kahar who in turn had purchased the land from Parahu Kamkar. The paragraph no. 5 of the reply to the counter affidavit already stands recorded in the aforesaid paragraphs.

10. This takes this Court to only once conclusion- the Caste Scrutiny Committee finding needs interference and it has to do the exercise once again so far as the determination of the caste of the petitioner is concerned. They are duty bound to start the entire proceeding from the scratch to come to the conclusion

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as to whether the petitioner belongs to *'Kamkar'* caste and/or '*Kharwar'* caste.

11. The order vide memo no. 11711 dated 20.06.2023 issued by the Caste Scrutiny Committee is set aside with liberty to start the proceeding against the petitioner/family members in accordance with law.

12. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

ankita/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

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