

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

Present:.. Hon'ble Shri D.N. Padhi, SCIC

Date: 19th September, 2007

Second Appeal No. 59/2007



Shri Bhagaban Ram,
C/o- Sri H.S. Bhagat,
Laxminarayan Lane,
Khurda-752055.....Appellant

-Vrs-

1. Public Information Officer,
Office of the Tahasildar, Khurda,
Khurda District-752055
2. First Appellate Authority,
-cum-Tahasildar, Khurda,
Khurda District-752055.....Respondents

Decision

1. Appellant Sri Bhagaban Ram is present. Smt. Sucheta Mohapatra, PIO-cum-Additional Tahasildar and Sri Subash Chandra Ray, First Appellate Authority-cum-Tahasildar, Khurda Tahasil are also present. Heard. Perused the case record.
2. On the last date of hearing on 18.07.2007, the case was remanded to the First Appellate Authority for de novo hearing and PIO was simultaneously directed to make a thorough search of their office for the missing file, failing which the same be reconstructed.
3. Tahasildar, Sri Ray mentioned that one Sri Bhagaban Ram of Jajarsingh , Khurda District had alleged before him that his son Prem Kumar had seen issued a scheduled caste certificate wherein the sub-caste has been wrongly mentioned as "Kol Loharas" which is a reserved caste under Scheduled Tribe when it should have been "Byahuta Kaluar" to which they belong.

4. Sri Ray mentioned that subsequent to the last hearing on 18.07.2007, the matter was considered de novo by him under Rule 8 (2) of Orissa Caste Certificate for Scheduled Castes and Scheduled Tribes Rules, 1986. Upon reconsideration on merits, the earlier caste certificate issued in favour of Prem Kumar in Misc Caste Certificate Case no. 1400/1991 was cancelled vide his orders dated 28.07.2007, as Tahasildar, in case no. 182/2007, and the caste of Prem Kumar has been now indicated as "Byahuta Kaluar". This was happily confirmed by the Complainant. Relevant to mention here is that this issue was also the subject matter of WP (C) 5206 /07 before the Hon'ble High Court of Orissa.
5. With the aforesaid observations and in view of the current facts the case is disposed of and closed.

Pronounced

Given under the hand and seal of the State Commission, this 19th day of September, 2007.


Hon'ble SCIC

19.9.07

Subst.